

FEB 24 2015



**U.S. Customs and
Border Protection**

MEMORANDUM FOR: R. Gil Kerlikowske
Commissioner

THROUGH: Kevin K. McAleenan
Deputy Commissioner

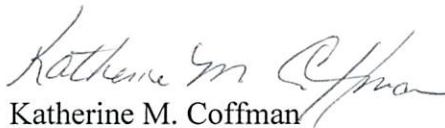
FROM: Assistant Commissioner
Office of Human Resources Management

SUBJECT: U.S. Customs and Border Protection Discipline Analysis Report
Fiscal Year 2014

To improve transparency in the U.S. Customs and Border Protection (CBP) discipline process, as outlined in the CBP Integrity and Personal Accountability Strategy, the Office of Human Resources Management (HRM) is submitting for your review and information the Fiscal Year (FY) 2014 CBP Discipline Analysis Report. This report includes an executive summary and details regarding the types of cases referred to HRM and the disciplinary actions and trends associated with each. HRM utilized your feedback from last year's Discipline Analysis Report to make a number of enhancements to the content and analyses contained in this year's report.

HRM tracks data regarding the disciplinary actions taken within CBP during each fiscal year. The report describes disciplinary actions taken and indicators of the types of misconduct most commonly engaged in by CBP employees. The report also focuses on actions taken in response to supervisory misconduct, criminal activity, and results from reasonable suspicion and random drug tests conducted by CBP. The report also summarizes and analyzes the activities of the CBP Discipline Review Board for FY 2014. The report provides a detailed breakdown of the top three types of misconduct CBP-wide, with a focus on specific trends for the Offices of Field Operations and Border Patrol.

Please feel free to contact me if you have any questions. If members of your staff have any questions, they can contact Ms. Lauren Kaufer at (202) 863-6315 or via e-mail at Lauren.Kaufer@dhs.gov.


Katherine M. Coffman

Attachment



Customs and Border Protection Discipline Analysis Report

Fiscal Year 2014

February 2015



U.S. Customs and
Border Protection

Office of Human Resources Management

Executive Summary

At the end of Fiscal Year (FY) 2014, the U.S. Customs and Border Protection (CBP) Integrity and Personal Accountability Strategy was issued by Commissioner Kerlikowske. This comprehensive strategy addressed CBP's core values of Vigilance, Service to Country, and Integrity and specifically stressed how integrity should be reflected in employee conduct, both on and off duty. It is critical that all employee behavior conforms to these expectations so that CBP can continue to maintain the public trust.

The FY 2014 Discipline and Analysis Report was designed to meet the Commissioner's goal to improve transparency of the overall discipline system by requiring the Office of Human Resources Management, through the Labor and Employee Relations (LER) Directorate, to publish an annual report on discipline. The Discipline Analysis Report provides statistics and analysis of CBP's discipline program to include a comparison of employee discipline across all program offices. This report is designed to provide an overview of disciplinary actions taken by CBP deciding officials, identify discernible trends in types of misconduct and disciplinary actions taken, trends by program office, and describe the results of the analysis.

All CBP allegations of misconduct are addressed through some type of disciplinary action, a determination that discipline is not warranted, or the employee's decision to separate from the Agency. In FY 2014, CBP allegations of misconduct were closed by one of the following actions:

- Oral or Written Counseling
- Written Reprimands
- Disciplinary Suspensions (1-14 days)
- Adverse Suspensions (15 days or more)
- Suspension with Abeyance Agreement
- Demotions
- Removals
- Resignations
- Retirements
- Probationary Terminations
- Removals pending Last Chance Agreements
- Indefinite Suspensions
- Discipline not warranted

Employees assigned to positions in the Offices of Border Patrol (OBP) and Field Operations (OFO) comprise the majority of CBP employees and over 90 percent of all disciplinary actions processed each year involve employees from these two offices. The FY 2014 Discipline Analysis Report includes a comprehensive analysis of all disciplinary actions taken in FY 2014, compared against FY 2013 data, with specific sections addressing:

- Employee Arrests
- Lost or Stolen Firearms
- Indefinite Suspensions
- Probationary Terminations
- Use of Force Allegations
- Drug Free Workplace Violations
- Discipline Review Board Cases
- Supervisory Discipline
- Top Three Types of Misconduct

Data contained within this report was obtained from various CBP databases, to include the Human Resources Business Engine (HRBE), the Joint Intake Case Management System, and Firearms and Credentials Tracking System (FACTS). Data was also obtained from records maintained by the National Finance Center.

Highlights from the FY 2014 CBP Discipline Analysis Report include the following:

- Five percent of the CBP workforce was subjected to formal or informal discipline in FY 2014, and 94 percent of all actions processed involved employees assigned to OBP or OFO.
- CBP opened 8,050 cases in FY 2014 and closed 6,887 cases.
- Although the number of removals and adverse suspensions processed by CBP increased by 25 and 37.9 percent, respectively, the number of written reprimands processed remained relatively stable in FY 2014.
- On a positive note, CBP experienced a 15 percent decrease in the number of employees arrested for criminal conduct; however, alcohol-related driving offenses and domestic-violence related offenses continue to be the top two categories of employee arrests.
- CBP experienced a 38 percent decrease in the number of employees placed on indefinite suspension in FY 2014.
- Agency-wide, CBP processed 103 probationary terminations.
- CBP's efforts to enforce the Drug Free Workplace Program continued to be effective in FY 2014. Of the nine positive drug tests in FY 2014, six employees are no longer on CBP's roles and three cases remained pending at the end of the fiscal year.

The CBP Discipline Review Board (DRB) saw a 25 percent increase in workload this year even though CBP staffing levels remained steady. Highlights from the FY 2014 report include the following:

- The DRB processed a total of 242 new cases in FY 2014. A total of 226 DRB-related actions were closed, several of which were from prior fiscal years.
- Eighty percent of all cases presented to the DRB in FY 2014 involved employees assigned to a law enforcement position, regardless of supervisory status.
- Employees assigned to the Buffalo Field Office and the Laredo Field Office represented the highest number of cases presented to the DRB for OFO.
- Employees assigned to the Tucson and Rio Grande Valley Sectors represented the highest number of cases presented to the DRB for OBP.

Additional trends noted regarding discipline CBP-wide and in OFO and OBP include the following interesting statistics:

- Discipline for CBP supervisors across the board increased by 16 percent in FY 2014.
- The top three categories of misconduct CBP-wide include misconduct related to violations of policies or procedures, misconduct related to government-owned vehicles, and misconduct related to government equipment.
- The top three categories of misconduct for OFO employees were failure to follow policies or procedures, unprofessional conduct, and misconduct related to government equipment.

- OFO experienced a nine percent increase in discipline; 596 cases in FY 2014 compared to 546 cases in FY 2013.
- The top three categories of misconduct for OBP employees were government-vehicle related misconduct, misuse of government equipment, and failure to follow policy or procedures.
- OBP experienced a 6 percent decrease in discipline; 1,003 cases in FY 2014 compared to 1,068 cases in FY 2013.

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Introduction

CBP is one of the Department of Homeland Security's largest and most complex components, with a priority mission of keeping terrorists and their weapons out of the U.S. We also have a responsibility for securing and facilitating trade and travel while enforcing hundreds of U.S. regulations, including immigration and drug laws. As such, maintaining the public's trust while carrying out our duties with professionalism and integrity is paramount. This is a duty and responsibility that CBP employees cannot take lightly.

At the end of Fiscal Year (FY) 2014, Commissioner Kerlikowske issued the CBP Integrity and Personal Accountability Strategy. This comprehensive strategy reiterated CBP's core values of Vigilance, Service to Country, and Integrity. The Integrity and Personal Accountability Strategy embodies how CBP's core value of integrity should be reflected in employee conduct, both on and off duty. It is critical that all employee behavior conforms to these expectations so that CBP can continue to maintain the public trust.

Under the CBP Integrity and Personal Accountability Strategy, the discipline process is one step in the Agency's layered approach to integrity and counter-corruption policies. It outlines several goals and objectives for CBP which are designed to strengthen its culture of integrity. For the Office of Human Resources Management (HRM), these goals and objectives include efforts to improve transparency and to increase efficiency and consistency throughout the discipline process.

To meet these objectives, the FY 2014 CBP Discipline and Analysis Report includes statistical analyses, sections highlighting employee arrests, and discipline taken in response to those arrests, indefinite suspensions, supervisory discipline, probationary terminations, and actions taken in accordance with CBP's Drug Free Workplace Program. Other highlights include an analysis of the number and types of cases presented to the Discipline Review Board (DRB), with a targeted breakdown by program office, length of service, and supervisory status. A section highlighting the top three categories of misconduct CBP-wide was also included to provide CBP managers with the data needed to identify misconduct trends and to assist them in preventing future acts of misconduct.

HRM is committed to increasing efficiency and consistency of CBP's discipline process. For FY 2015, the Labor and Employee Relations (LER) Directorate has implemented several process improvements to include standardized case processing goals for both LER's Field Services Division and the Employee Relations Division. HRM will continue outreach to stakeholders to ensure process improvements are effective, since they are critical to the overall improvement of CBP's disciplinary process.

Changes to the DRB process for FY 2015 include increasing the number of DRB panels convened from one every three weeks to two panels every two weeks. Efforts to minimize and reduce the amount of time between the oral reply and the "Douglas" factor discussion have also been implemented, when deciding officials have been amenable. Lastly, LER has explored augmenting the DRB staff by utilizing LER specialists assigned to the Field Services Division to help with presentations during times of increased DRB activity.

LER has taken steps to enhance monitoring and improving case processing time lines through the use of Human Resources Business Engine (HRBE) metrics and will continue to work with the program offices during the coming fiscal year to make the process more efficient.

Overview of CBP's Discipline Process

Discipline is imposed by the Agency to correct employee misconduct that effects the efficiency of the service, thereby encouraging employee conduct that is in compliance with the Agency's standards of conduct, standard operating procedures, policies, and office practices.

Employee discipline involves either formal or informal actions. In accordance with procedures set forth in 5 C.F.R. Part 752 and 5 U.S.C. Chapter 75, collective bargaining agreements, and Agency policies, CBP addresses misconduct through written reprimands, disciplinary suspensions between one and 14 days, and adverse actions including suspensions of 15 days or more, demotions, and removals. Adverse and disciplinary actions are considered to be formal discipline. In this report, *discipline* will be used to reference both actions – disciplinary and adverse actions. Informal discipline typically refers to a written or verbal counseling or memorandum of instruction.

Progressive discipline and penalty determination are key components in the disciplinary process. Discipline, when imposed, should be progressive, beginning with the minimum action necessary to correct the offense, with subsequent misconduct treated with increasing severity. In applying the concept of progressive discipline, informal discipline can be considered as an aggravating factor (or notice) when deciding a subsequent formal disciplinary action. However, some infractions are so egregious that a single instance is sufficient to warrant removal from Federal service. Additionally, penalties should be reasonably consistent with those imposed on other employees for similar offenses.

The Joint Intake Center (JIC) serves as the central clearinghouse for receiving, processing, and tracking allegations of misconduct. All reports of misconduct are coordinated with the Department of Homeland Security (DHS) Office of Inspector General and are referred to the appropriate office for investigation, fact-finding, or immediate management action. Reports of investigation are routed from the Office of Internal Affairs (IA) to HRM, and a thorough review is conducted to determine whether the report and evidence collected substantiates misconduct. Cases warranting adverse action are presented to CBP's DRB. The DRB reviews allegations of serious misconduct and strives to propose discipline in a fair and consistent manner. When cases warrant lesser disciplinary action (up to and including a 14 day suspension), the case is remanded to local management for appropriate action. This approach ensures that each case is given the proper level of review and analysis to support formal discipline and also allows CBP to determine if patterns or trends exist in a particular location and/or among a set of employees.

In accordance with CBP's Delegation of Authority, the authority to propose or decide specified actions is delegated to supervisory/managerial positions at the lowest organizational level, appropriate to the severity of the misconduct. The final disposition of proposed discipline is determined by a deciding official in the employee's chain of command unless there is a conflict of interest. HRM and management ensure that the employee's rights are preserved throughout the process. Furthermore, all decisions rendered are for "such cause as will promote the efficiency of the service."

Agency-wide Actions at a Glance

The FY 2014 Discipline Analysis Report includes information on allegations of employee misconduct referred for review and action. In FY 2014, there were 8,050 cases opened CBP-wide and 6,887 cases closed. The statistics for the number of cases closed in a particular quarter have no correlation to the number of cases received each quarter as cases closed in a particular quarter may have been received in a prior quarter or a prior fiscal year. Cases may traverse quarters or fiscal years due to several factors, including but not limited to timeframes mandated under Federal due process requirements, requests for extensions granted by deciding officials, legal review timeframes, and lead time need for presentation to the DRB.

Table 1 includes a detailed breakdown of the outcomes for all cases closed in FY 2014, including those that did not warrant disciplinary action.

Table 1: Agency-wide outcomes by quarter for FY 2014					
Types of Actions Taken:	FY14 Q1	FY14 Q2	FY14 Q3	FY14 Q4	FY14 Totals
Counseling	247	345	291	332	1,215
Written Reprimand	201	251	301	306	1,059
Suspension 1-14 days	93	124	135	117	469
Suspension 15 days or more	7	12	9	12	40
Suspension with Abeyance	0	0	0	3	3
Demotion	1	2	3	1	7
Resignation	0	8	7	6	21
Retirement	0	7	2	6	15
Removal	14	18	18	20	70
Probationary Termination	32	31	27	13	103
Removal with LCA	0	2	0	7	9
Indefinite Suspensions	5	7	6	4	22
*Discipline Not Warranted	688	997	1,083	1,086	3,854

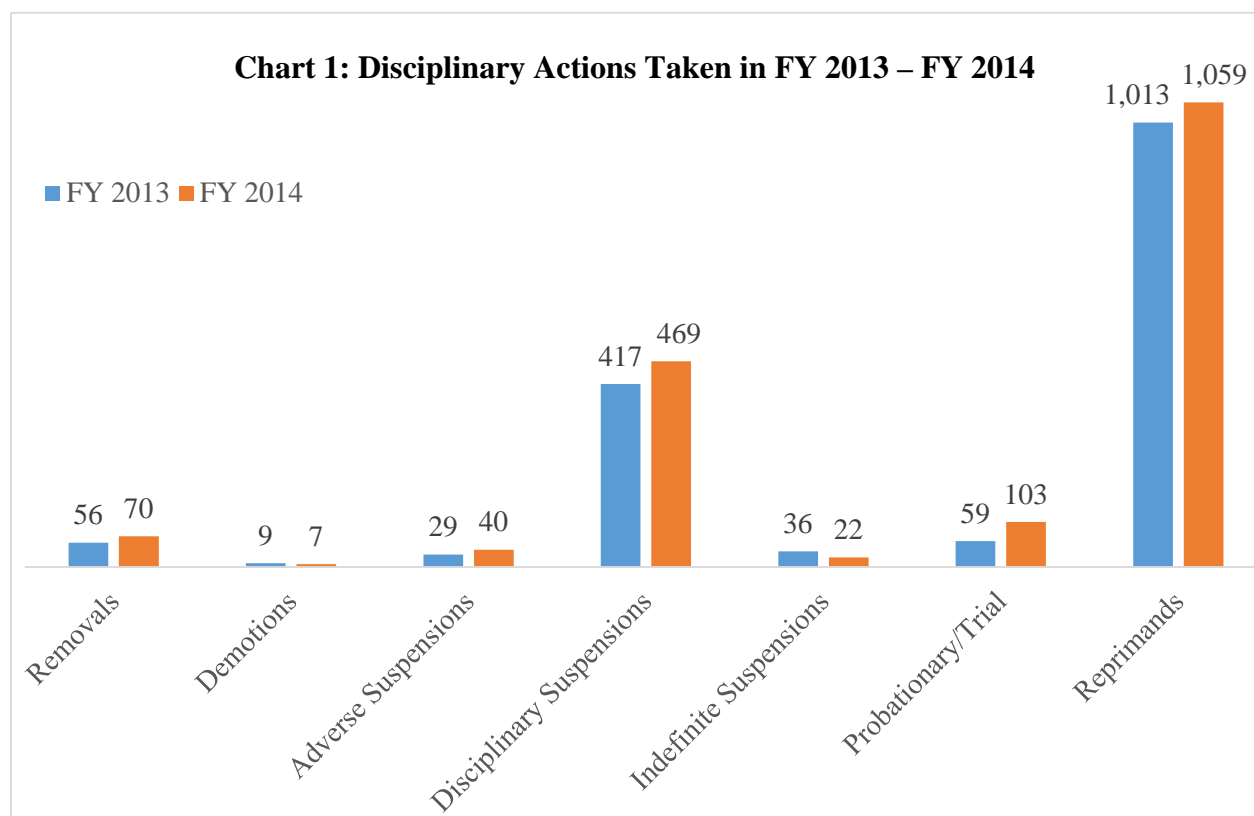
**Note: Current CBP reporting requirements mandate or recommend employees report a variety of issues to the Joint Intake Center, which ultimately leads to a record being generated (e.g., lost or stolen badges/credentials, GOV accidents regardless of fault, seizure discrepancies, etc.). A substantial number of incidents reported as "discipline not warranted" include these types of reportable offenses as well as allegations of misconduct which ultimately were deemed to be unsubstantiated or unfounded.*

Comparison of Actions Taken in FY 2014 with FY 2013

In FY 2014, CBP reviewed and processed 6,887 cases, which represented a 5.3 percent increase from FY 2013. When comparing the FY 2014 with FY 2013 data, the following trends were noted:

- Removals increased by 25 percent; 70 removals in FY 2014 compared to 56 removals in FY 2013.
- Adverse suspensions (15 days or more), increased by 37.9 percent.
- Disciplinary suspensions (14 days or less) increased by 12.5 percent.
- Indefinite suspensions decreased by 38.8 percent.
- Probationary/trial period terminations increased by 74.6 percent.
- Written reprimands experienced a 5 percent increase from FY 2013 totals.

Chart 1 illustrates FY 2013 and FY 2014 disciplinary actions taken by CBP.



In FY 2014, 1,770 formal disciplinary actions were taken impacting 2.9 percent of the CBP workforce. The following trends are noted:

- Written reprimands accounted for 59.8 percent of the actions taken in FY 2014.
- CBP processed 1,215 cases where management chose to address the misconduct with a formal counseling, which represented a slight decrease from 1,248 in FY 2013.

- The number of cases where management determined disciplinary action was not warranted totaled 3,854, which increased by 3 percent from 3,728 in FY 2013.
- Ninety-four percent of the actions processed were on employees from OFO and OBP.
- The Office of Air and Marine (OAM) had the third largest number of disciplinary actions, with a total of 49 cases, followed by the OIT which had a total of 41 cases in FY 2014.
- The Office of International Affairs (INA) had a relatively large percentage of employees disciplined in FY 2014, relative to the overall size of the office. This represented an increase from FY 2013.

A comprehensive breakdown of discipline by program office can be found on the following page on Table 2. This includes a breakdown by program office, average number of employees in FY 2014, type of discipline, and percentage of employees disciplined by office.

Table 2: CBP Disciplinary Breakdown by Program Office in FY 2014

Office	Average # of Employees	Removals	Demotions	Adverse Suspensions	Disciplinary Suspensions	Indefinite Suspensions	Probationary Terminations	Letter of Reprimand	Oral/Written Counseling	Total	% Disciplined by Office
OA	1,040	2	0	1	1	0	0	3	14	21	2.02%
OAM	1,704	3	0	0	6	0	1	15	24	49	2.88%
OBP	22,659	35	2	21	313	12	79	605	480	1,547	6.83%
OCC	295	0	0	0	0	0	0	0	0	0	0.00%
OC	212	0	0	0	1	0	0	3	4	8	3.77%
OCA	19	0	0	0	0	0	0	0	0	0	0.00%
OFO	28,280	24	4	14	138	10	21	402	641	1,254	4.43%
HRM	526	0	1	0	0	0	0	4	1	6	1.14%
OIT	2,270	3	0	3	3	0	2	9	21	41	1.81%
OIIL	269	0	0	1	0	0	0	3	0	4	1.49%
IA	596	1	0	0	3	0	0	6	9	19	3.19%
INA	166	1	0	0	0	0	0	3	5	9	5.42%
OT	874	0	0	0	2	0	0	3	10	15	1.72%
OPA	85	0	0	0	0	0	0	1	1	2	2.35%
OTIA	163	1	0	0	0	0	0	0	1	2	1.23%
OTD	505	0	0	0	2	0	0	2	4	8	1.58%
Totals:	59,663	70	7	40	469	22	103	1,059	1,215	2,985	5.00%

Supervisory Discipline

CBP supervisory personnel are held to higher standards of conduct than non-supervisory employees. CBP supervisors are expected to be paragons of good behavior and conduct, to lead by example, and to model actions for subordinate employees to emulate. A review of the discipline data for FY 2014 revealed the following:

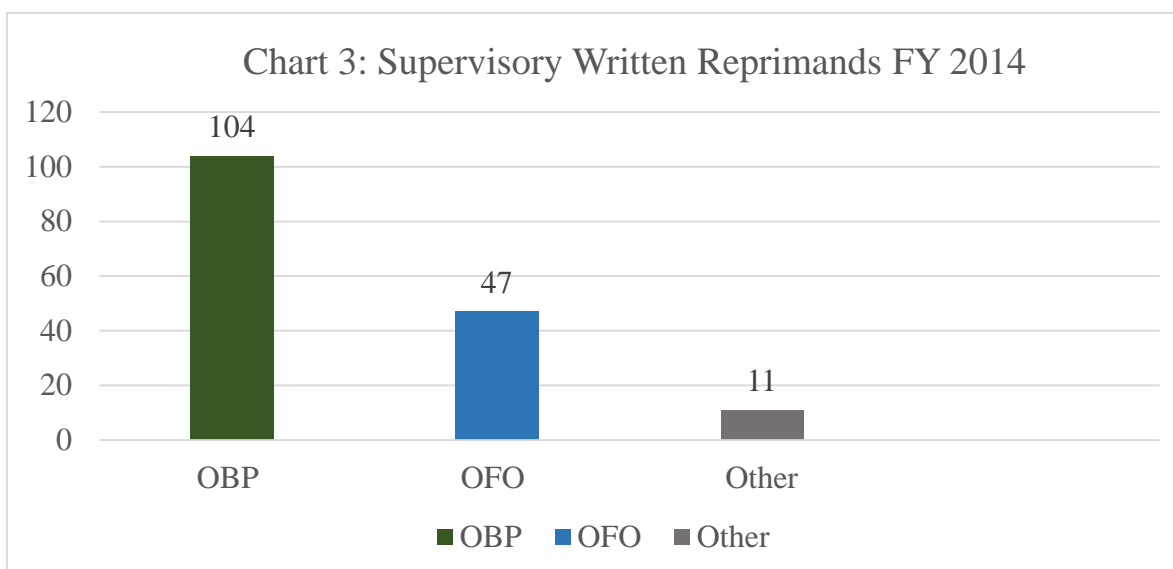
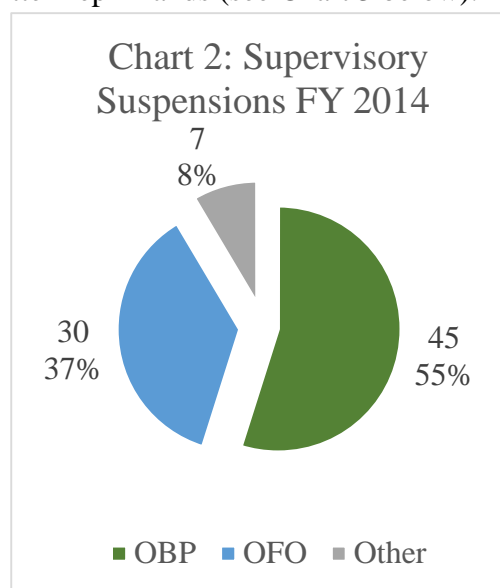
- The number of cases involving supervisory discipline increased; 257 actions in FY 2014 compared to 221 in FY 2013.
- Misconduct by OBP supervisors accounted for 151 discipline cases, compared to 83 OFO supervisors. Supervisors from other CBP program offices were the subject of the 23 other cases.
- Eight CBP supervisors were removed, five supervisors were demoted, 82 were suspended (see Chart 2 below), and 162 supervisors received written reprimands (see Chart 3 below).

Demotions:

- El Paso Sector (1)
- Office of Human Resources Management (1)
- Tucson Field Operations (1)
- Laredo Field Operations (2)

Removals:

- Office of Air and Marine (1)
- Blaine Sector (1)
- Baltimore Field Operations (1)
- Tucson Field Operations (2)
- Office of Information and Technology (3)



Employee Arrests

The CBP Standards of Conduct establishes the Agency's policy on the ethical conduct and responsibilities of all CBP employees. These standards put all CBP employees on notice of the Agency's expectations for employee conduct, both on and off duty. Any violation of law by a CBP employee is contrary to the Agency's law enforcement mission. Each year, an unacceptable number of CBP employees engage in activities which violate Federal, state, or local law. Although the number of employees arrested in FY 2014 represent a very small portion of the overall CBP workforce, each arrest has the potential to compromise CBP's mission and public image. A review of the data revealed the following for FY 2014:

- CBP experienced a 15 percent decrease in the number of employees arrested for engaging in criminal conduct both on and off duty; 271 in FY 2014 when compared to the 311 employee arrests in FY 2013.
- The top two categories of employee off-duty arrests in FY 2014 were alcohol-related driving offenses and domestic violence-related offenses which accounted for 41 and 23 percent of all arrests, respectively.
- Alcohol-related driving arrests decreased slightly while arrests for domestic violence increased slightly when compared to the statistics from FY 2013.

Table 3 provides a detailed breakdown of all employee arrests for this fiscal year.

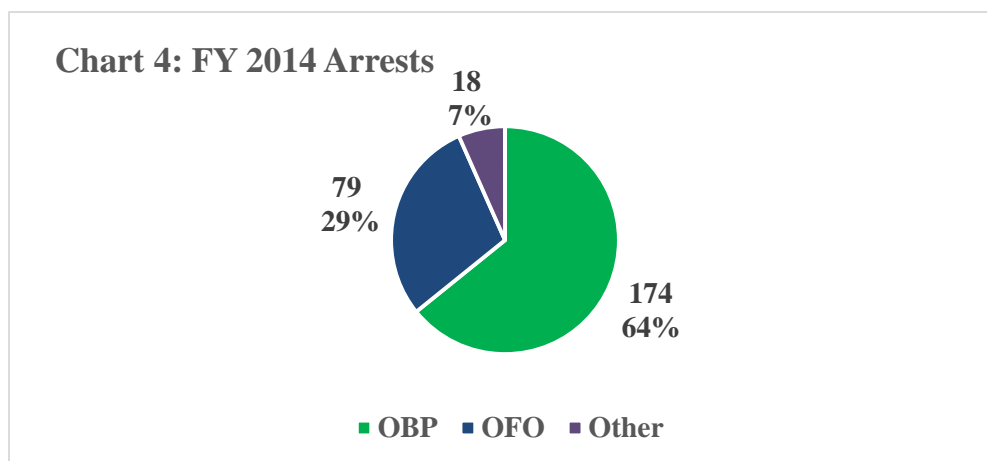
Table 3: Employee Arrest Totals by Arrest Type – FY 2014	
Workforce total for FY 2014 = 59,633	
Type of Arrest	Number of Arrests
Alcohol-Related Driving Arrest	112*
Domestic Violence Related Arrest	63
Assault, Battery, or Malicious Wounding	13
Motor Vehicle Violations to include fleeing	12
Public Intoxication	11
Sexual Related Arrests (includes 3 contract employees)	10
Database or government equipment related arrests	8
Drug Related Arrests	5
Robbery/Theft	6
Violation of a Court Order	5
Threatening Behavior	4
Weapons Violations	4
Breaking & Entering/Trespassing/Vandalism	4
Detainee/Alien Abuse	3
Leaving a Child Unattended, Injury to a child	2
Smuggling	2
Aggravated Arson	1
Attempted Murder	1
Other Miscellaneous Categories of Arrest	5
Total Arrests:	271

**Denotes arrest reported on a former employee.*

LER conducted a closer examination of the 271 employees arrested in FY 2014 and learned the following:

- Sixty-four percent all CBP arrests were attributable to criminal conduct committed by 174 OBP employees.
- Twenty-nine percent of all CBP arrests were attributable to criminal conduct committed by 79 OFO employees.
- Seven percent of all CBP arrests were attributable to criminal conduct committed by employees assigned to other CBP program offices.

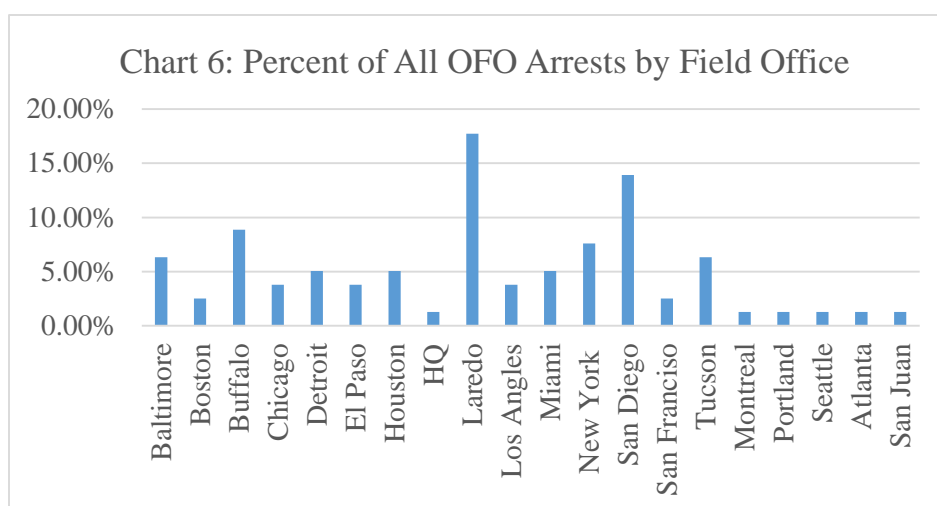
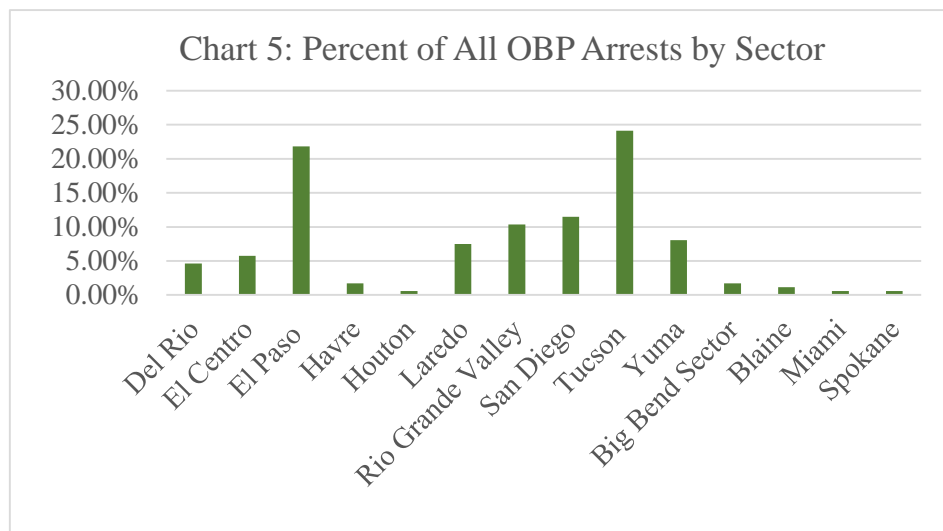
Chart 4 illustrates the breakdown of CBP employee arrests by program office.



A review of the discipline data for the 271 cases involving employee arrests revealed the following statistics as of September 30, 2014:

- Two-hundred and two of the cases involving employee arrests remain open, which can be attributed to pending criminal proceedings, cases warranting further investigation, or cases pending management action.
- Fourteen cases involved employees who no longer work for CBP. These employees were separated by one of the following methods:
 - Resignation (5)
 - Retirement (2)
 - Probationary/Trial Period Termination (2)
 - Removal (3)
 - Separated after death (2)
- Forty cases were resolved with some type of disciplinary action which ranged from counseling to removal.
- Management determined discipline was not warranted in 20 cases involving an off-duty arrest of a CBP employee.

Charts 5 and 6 illustrate the breakdown of FY 2014 arrests by OBP Sectors and OFO Field Offices.



Alcohol-related driving offenses

Arrests for alcohol-related driving offenses accounted for the 41 percent of all off-duty arrests of CBP employees. A review of the data related to these arrests revealed the following statistics:

- OBP employees accounted for 69 arrests for alcohol-related driving offenses, OFO employees accounted for 33 arrests, and other program offices accounted for nine.
- As of September 30, 2014, only 27 of the 111 discipline cases related to alcohol-related driving arrests were closed through the discipline process. Eighty-four cases remained open pending further administrative adjudication.
- Tucson Sector had the highest percentage of employees arrested for alcohol-related driving offenses.

Table 4 provides a breakdown of the disciplinary outcomes of the 27 closed cases involving DUI arrests.

Table 4: Disciplinary Outcomes of DUI Arrests									
DUI Arrests:	FY14	Counseling	Written Reprimand	Discipline not Warranted	Alternative Discipline	Suspension 1-14 days	Termination During Probation	Removal	Pending
OBP	69	1	2	0	1	7	1	3	54
OFO	33	0	7	1	0	0	0	1	24
OIT	4	0	0	2	0	0	0	0	2
OAM	2	0	0	0	0	0	0	0	2
OCC	1	0	0	0	0	0	0	0	1
OT	1	0	0	1	0	0	0	0	0
OTD	1	0	0	0	0	0	0	0	1
Totals:	111	1	9	4	1	7	1	4	84

Domestic violence-related offenses

Arrests for domestic violence-related offenses accounted for 23 percent of all off-duty arrests of CBP employees and constitute the second largest type of criminal misconduct. A review of the data related to these arrests revealed the following statistics:

- As of September 30, 2014, only 15 of the 63 discipline cases related to domestic violence-related arrests were fully processed and 48 cases were still in process.
- Fifty-six cases involved employees occupying law enforcement positions.

Table 5 provides a breakdown of the disciplinary outcomes for the 15 cases that were fully processed.

Table 5: Disciplinary Outcomes of DV Arrests				
DV Arrests:	FY14	Counseling	Discipline not Warranted	Pending
OBP	46	3	6	37
OFO	14	2	2	10
OIT	2	1	0	1
OAM	1	1	0	0
Totals:	63	7	8	48

Mandatory Removals of Law Enforcement Officers for Felony Convictions

Law enforcement officers convicted of a Federal or state felony are subject to mandatory removal from the Federal service pursuant to 5 U.S.C. § 7371. A review of the discipline data for FY 2014, revealed three CBP employees were removed under this authority. All three were OBP employees assigned to stations aligned under Yuma Sector.

Indefinite Suspensions

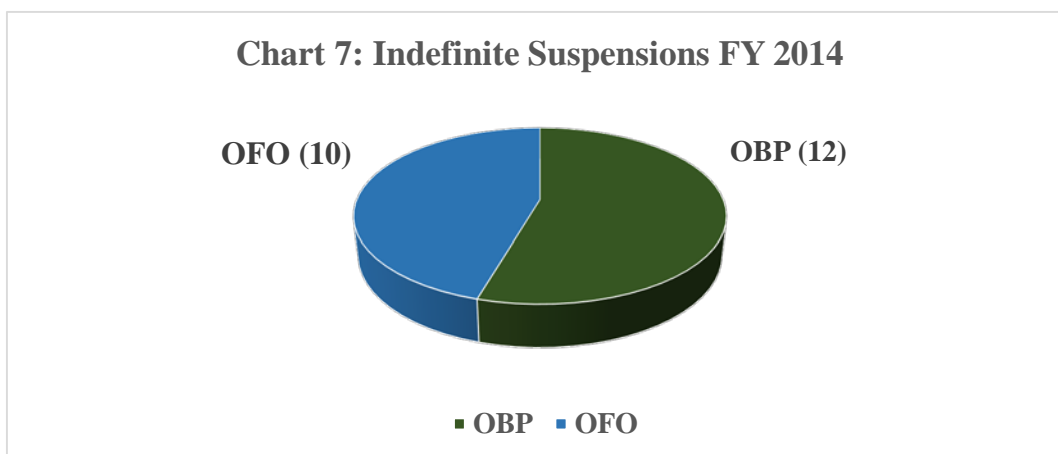
An indefinite suspension is an adverse action that temporarily places an employee in a non-pay and non-duty status while awaiting further investigative or Agency action. Indefinite suspensions are typically imposed when the Agency believes an employee committed criminal misconduct for which the employee may be imprisoned or following the suspension or revocation of a security clearance when such clearance is a requirement of that employee's position. As with all adverse actions, the employee is entitled to advance written notice of the Agency's proposal of the indefinite suspension and due process procedures must be followed. The Agency must be able to demonstrate how the indefinite suspension maintains the orderly working of the government against possible disruption by the suspended employee, the reasonableness of the penalty, and how the action promotes the efficiency of the service.

Additionally, the Agency must provide the employee with notice of the specific event that will terminate the indefinite suspension (e.g., the employee was found not guilty of the criminal charges) in its notice of suspension. Agencies must terminate the suspension promptly upon completion of the event it identified at the time it imposed the suspension. Placing an employee on indefinite suspension does not preclude an Agency from taking subsequent administrative action following the conclusion of criminal or administrative proceedings.

In FY 2014, CBP processed 22 indefinite suspension actions involving 12 OBP employees and 10 OFO employees. The number of indefinite suspensions processed by sector or field office in FY 2014 is as follows:

- Big Bend Sector (1)
- El Centro Sector (2)
- San Diego Sector (1)
- Tucson Sector (1)
- Chicago Field Operations (2)
- Pre-clearance Operations (1)
- Los Angeles Field Operations (2)
- Del Rio Sector (1)
- El Paso Sector (4)
- Yuma Sector (2)
- Boston Field Operations (1)
- Laredo Field Operations (3)
- OFO HQ (1)

Chart 7 illustrates the program offices and the number of indefinite suspensions processed on employees associated with each.



A review of the discipline data related to indefinite suspensions for FY 2014 revealed the following:

- Indefinite suspensions decreased more than 38 percent in FY 2014 compared to FY 2013.
- Despite the decrease in numbers, the nature of the offenses in each case remain serious.
- All but three of the arrests resulting in indefinite suspensions involved frontline officers.
- El Paso Sector and Laredo Field Operations had the largest number of indefinite suspensions.

Table 6 provides a breakdown of the criminal charges which supported CBP's use of indefinite suspensions in FY 2014:

Table 6: Criminal Offenses Supporting Indefinite Suspensions in FY 2014		
Employee Position	Grade Level	Criminal Offense
Border Patrol Agent	GS-12	Assault on a Police Officer
Border Patrol Agent	GS-12	Taking photographs without consent for sexual gratification
Border Patrol Agent	GS-12	Deprivation of Rights Under Color of Law
Border Patrol Agent	GS-12	Felony Driving Under the Influence
Border Patrol Agent	GS-12	Breaking and Entering/Criminal Damage to Property
Border Patrol Agent*	GS-12	Child Abuse/Aggravated Assault with a Deadly Weapon/Cruelty to Animals/Battery
Border Patrol Agent*	GS-12	Selling or Giving Alcoholic Beverages to a Minor
Border Patrol Agent	GS-12	Inappropriate Chat and Photo Exchange with a Minor
Border Patrol Agent*	GS-12	Assault
Border Patrol Agent	GS-11	Unlawful Imprisonment, Threatening or Intimidating, Disorderly Conduct, and Aggravated Assault
Border Patrol Agent	GS-12	Sexual Exploitation of a Minor
Border Patrol Agent	GS-12	Aggravated Assault (related to DUI)
CBP Officer	GS-12	Witness Tampering
CBP Technician	GS-7	Robbery, False Report of Vehicle Theft, False Personation of a Public Officer
CBP Officer	GS-7	Transporting Illegal Aliens and Conspiracy
CBP Officer	GS-7	Misuse of Official Information
CBP Officer	GS-12	Conspiracy to Defraud the U.S.
CBP Agriculture Specialist	GS-12	Attempted Murder
Program Manager*	GS-14	Wire Fraud
CBO Officer	GS-12	Possession of Controlled Substance and Burglary
CBP Officer	GS-12	Corporal Injury (Domestic Violence)
CBP Officer	GS-12	Conspiracy to Export Firearms, Exporting Firearms, Unlicensed Dealing in Firearms, and Illegal Shipment of Firearms

* Denotes that employee no longer works for CBP.

Use of Force Allegations

Every day, CBP's uniformed professionals face life threatening confrontations as they perform their duty to secure America's borders. CBP is always looking at ways to balance officer safety when confronted with dangerous situations with the duty of our Border Patrol Agents and CBP Officers to use force in a manner consistent with Agency policy and law enforcement best practices.

Each year, CBP receives and reviews hundreds of allegations pertaining to use of force incidents. When these cases involve excessive force or civil rights abuse allegations and prosecution is declined by the U.S. Attorney's Office or the local prosecutor, the matter is then subject to an administrative investigation to determine if an employee's actions, although not unlawful, violated Agency policy or procedure.

Ultimately, all investigative materials collected by Federal, state, or local law enforcement authorities, as well as any supplemental investigative materials collected by the Department of Homeland Security (DHS) Office of the Inspector General (OIG), Immigration and Customs Enforcement (ICE) Office of Professional Responsibility (OPR), and/or CBP IA, are presented to CBP management for review and consideration to determine whether the actions of the employee(s) involved was consistent with all applicable laws, rules, regulations and policies. Following their review of all the investigative materials, CBP management effects individual or systemic corrective action as necessary.

In FY 2014, CBP received 483 allegations related to use of force incidents. A review of the 483 cases revealed 428 were cases involving OBP employees, 53 involved OFO employees, and two cases involved OAM employees.

As of September 30, 2014, in 370 of the reported incidents management determined discipline was not warranted. Two cases resulted in formal counseling; one for OFO, and one for OBP. One-hundred eleven remained open and pending at the end of the fiscal year.

In FY 2014, LER also processed 78 cases involving use of force allegations that were reported to CBP in prior fiscal years. Management determined that discipline was not warranted in all of these cases.

For FY 2015, CBP will be implementing a new process for reporting, tracking, and investigating use of force incidents. Under this new process, use of force cases will only be routed to LER if a determination is made by a local or national level Use of Force Review Board that the amount or type of force used was either excessive or outside of policy.

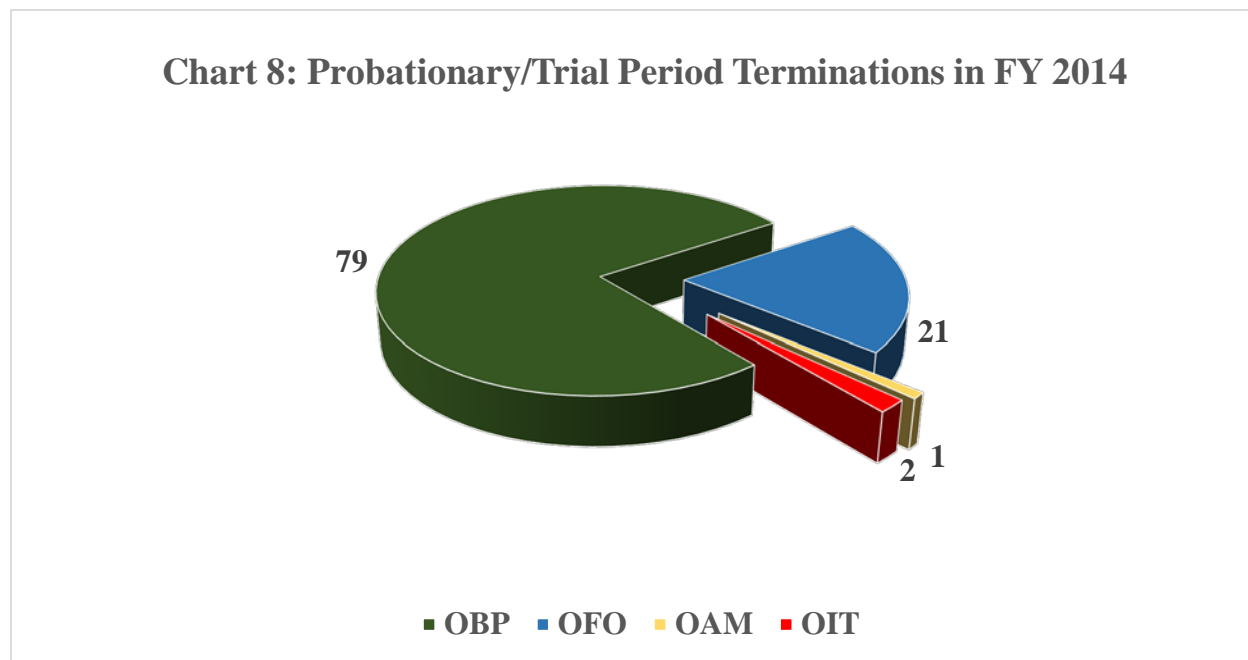
Probationary or Trial Period Terminations

The probationary or trial period is the final step in the examination process of a newly hired employee. It is considered a critical assessment period for one of the Agency's most vital assets: human capital. The term "probationary period" generally applies to appointees in the competitive service. By contrast, "trial period" generally applies to appointees in the excepted service.

Probationary or trial period appointees can be terminated for any deficiency in performance or conduct, with minimal procedural requirements and without the need to meet the stringent "efficiency of the service" standard that governs the removal of career and career-conditional employees. There are limited avenues to appeal terminations effected during an appointee's probationary or trial period.

Agency-wide, CBP processed 103 probationary terminations in FY 2014. This figure includes all probationary terminations processed by LER and by the CBP Training Academies. Of the total number of probationary terminations, 17 were processed by LER. While two of the LER processed terminations were related to medical issues, the remaining probationary terminations were related to conduct issues, performance issues, or a combination of both.

Chart 8 illustrates a breakdown of the number of probationary terminations by program office.



CBP's use of probationary/trial period terminations supports the premise that the probationary period helps to ensure only the best candidates continue with careers in the Federal government. Managers should continue to monitor probationary employees for performance and conduct issues during the probationary period.

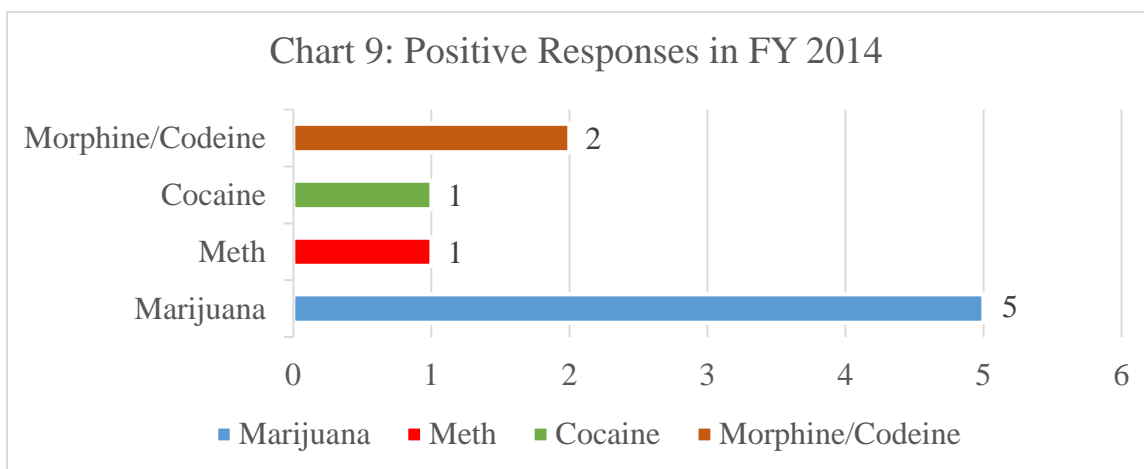
Drug Free Workplace

On September 15, 1986, President Ronald Reagan issued Executive Order (EO) 12564, Drug-free Federal Workplace. Through this EO, President Reagan proclaimed that drug use has serious effects on the Federal workforce and results in billions of dollars of lost productivity each year. His vision for the Federal government, as the largest employer in the Nation, was to achieve a workplace free of any illegal drug use. EO 12564 states, “The use of illegal drugs, on or off duty, is inconsistent with the law abiding behavior expected of all citizens, but also with the special trust placed in such employees as servants of the public.”

As the guardians of our Nation’s borders, CBP is a leader among other Federal agencies in the interdiction of illegal drugs. CBP strives to be the premier example of a Federal agency who encourages and promotes healthy living while concurrently interdicting prohibited substances from infiltrating our Nation. As an employer, CBP is concerned with the well-being of its employees, and, as such, the very nature of CBP’s mission makes illegal drug use unacceptable.

In FY 2014, CBP performed 6,048 random drug tests which resulted in eight employees testing positive for drug use. Additionally, CBP performed nine reasonable suspicion drug tests resulting in only one positive result. The data demonstrates that, by and large, CBP has successfully promoted a drug-free workplace.

Chart 9 below illustrates the types of drugs being used by employees, which resulted in a positive response. There were two involving morphine/codeine, one involving cocaine, one involving methamphetamines, and five cases involving marijuana.



A review of the data revealed the following statistics regarding all positive drug tests:

- Seven positive drug test results involved employees from OFO; five CBP Officers and two Agriculture Specialists.
- Two positive drug tests results involved employees from OBP; both were Agents.
- CBP removed three employees, three employees resigned, and three cases were still pending at the end of FY 2014.

CBP Discipline Review Board

The DRB was established to promote fairness and consistency in the process for addressing serious cases of employee misconduct. The primary function of the DRB is to review investigative reports of misconduct and propose adverse actions, when appropriate. With few exceptions, cases that potentially warrant a proposed adverse action are presented to a randomly selected, three-person DRB panel for review. The oversight, administration, and management of the DRB process rests with HRM under the LER Directorate, Employee Relations (ER) Division.

The first DRB was created in 1999, under the former U.S. Customs Service, and was continued as a best practice after the creation of CBP in 2003. The DRB process has been reviewed and periodically modified to accommodate CBP's rapid growth and to meet the Agency's interest in the fair and timely processing of administrative actions. In FY 2015, the schedule was adjusted to convene at least one panel every two weeks.

Individual DRB panels are comprised of three senior management officials who are selected from a pool of candidates nominated by their respective Assistant Commissioners and the Chief, OBP, from among GS-14, GS-15, and Senior Executive Service (SES) managers and supervisors. The DRB panel members discuss the facts and evidence of each case, bringing their operational and managerial expertise to the DRB deliberations.

Investigative Materials

The ER Division receives investigative case files from a variety of sources. These sources include the CBP IA, ICE OPR, or DHS OIG. Investigative case files are also received as a result of completed administrative/management inquiries or through documentation gathered by management in response to a management referral from CBP IA.

CBP IA investigated 60 percent or 146 of all cases presented to the DRB. Fifty-six of the cases were based on information gathered directly by management, to include OBP Management Inquiry Teams. Twenty-nine cases came from the DHS OIG, and the remaining 11 cases came from the CBP Administrative Inquiry Program, which trains management officials in fact finding. None of the cases presented to the DRB cases involved investigative products produced by ICE OPR.

Intake Statistics

Prior to a case being presented to the DRB, a member of the ER Intake staff reviews the case to assess whether, based on the facts and evidence, the employee's misconduct warrants a proposed adverse action. In FY 2014, there were three specialists assigned to the DRB Intake staff and together, they reviewed 1,665 reports of investigation; a slight increase from the 1,649 cases reviewed by the DRB Intake staff in FY 2013. A majority of the cases were remanded to local management for review and possible initiation of disciplinary action.

Types of Misconduct Cases Presented to the DRB

In general, an adverse action (meaning a suspension of more than 14 days, demotion, or removal) will be proposed when either the employee's actions were egregious or a higher penalty is justified under the principles of progressive discipline. In some instances, Federal statute requires an adverse penalty, e.g., willful misuse of a government-owned vehicle (GOV) carries a minimum penalty of a 30-day suspension.

Administrative misconduct must be proved by a preponderance of the evidence. This means that the evidence must show that it is more likely than not that the misconduct charged occurred. Each charge has different elements, which are the essential proof requirements necessary to prove the charge. Unless all elements of a charge are proved, the entire charge will fail. Aggravating factors considered in determining an appropriate penalty must be identified in the proposal notice and, therefore, have to be included in the materials relied upon by the proposing official.

Examples of egregious misconduct that may warrant adverse action include, but are not limited to:

- Willful Misuse of a GOV
- Lack of Candor/Omissions
- Falsification/Misrepresentation
- Assault of a Co-worker
- Unauthorized Disclosure
- Domestic Violence
- Sexual Misconduct On-Duty
- Misuse of Overtime Funds
- Viewing Pornography On-Duty
- Excessive Use of Force
- Fatalities
- Disreputable Association
- Theft of Government Property
- Off-Duty Criminal Misconduct
- Sexual Harassment
- Disreputable Association

DRB Statistics – Proposals and Decisions

LER convened 23 DRB panels in FY 2014. A total of 242 reports of investigation were presented to the DRB, which resulted in 214 DRB determinations involving 212 employees. When an employee is the subject of more than one investigative report, the case materials are combined and a single proposal notice is issued. The FY 2014 total number of cases represents a 25 percent increase from the FY 2013 total of 192 cases.

On the following page, Table 7 contains a breakdown of DRB proposals/actions for cases presented to the DRB in FY 2014.

Table 7: DRB Proposals/Actions by Program Office				
DRB Proposals/Actions – FY 2014	OBP	OFO	OTHER	TOTALS
Removals	65	53	10	128
Adverse Suspension (15 days or more)	20	12	6	38
Disciplinary Suspensions (14 days or less)	5	6	2	13
Demotion plus Suspension	6	6	1	13
Written Reprimand	0	1	0	1
Counseling	2	0	0	2
Discipline Not Warranted as per findings of DRB	16	2	1	19
Totals:	114	80	20	214

In FY 2014, LER closed a total of 226 DRB-related discipline records, regardless of when the DRB panel was convened or what fiscal year the proposal was served. For example, a case presented in FY 2013 could potentially have a decision issued in FY 2014. The traversing of fiscal years is attributable to several factors, to include due process requirements, requests for extensions, and other case related issues.

Table 8 includes a breakdown of case decisions rendered during FY 2014 from proposals issued by the DRB in FY 2014.

Table 8: Decisions on FY 2014 DRB Proposals by Program Office				
Decisions on FY 2014 DRB Proposals	OBP	OFO	OTHER	TOTALS
Removals	6	3	1	10
Last Chance Agreements	4	2	0	6
Adverse Suspension (15 days or more)	6	1	2	9
Disciplinary Suspensions (14 days or less)	5	4	1	10
Demotion	1	0	0	1
Demotion plus Suspension	2	1	0	3
Suspension Held in Abeyance	3	0	0	3
Written Reprimand	0	1	2	3
Discipline Not Warranted as per Deciding Official	3	2	1	6
Resignation/Retirement	1	3	1	5
Totals:	31	17	8	56

A review of the data related to the cases presented to the DRB in FY 2014 revealed the following statistics:

- DRB cases involving supervisors increased by a very small margin in FY 2014; 52 cases in FY 2014 up from 48 cases in FY 2013.
- OBP had 20 cases presented to the DRB where the subjects were supervisory employees; OFO had 21 cases presented to the DRB involving supervisory employees.
- The remaining program offices had a collective total of 11 cases involving supervisory employees. Although the remaining program offices comprise only 15 percent of the total CBP workforce, these offices accounted for 22 percent of the DRB's cases involving supervisory employees.

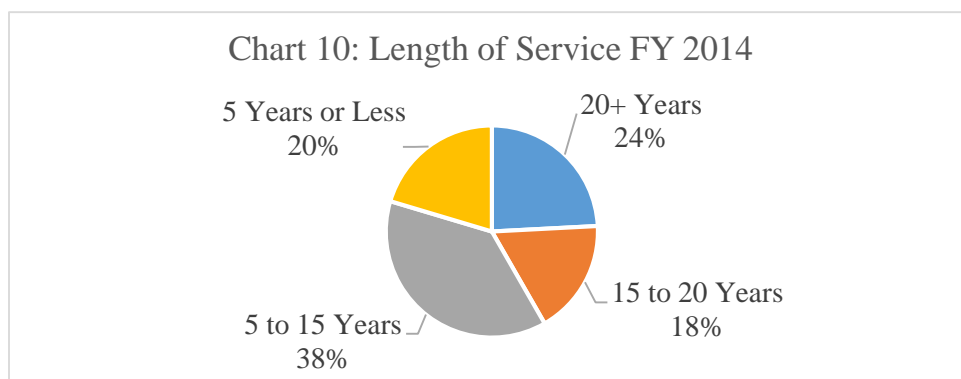
- More than one-half of the 214 DRB case determinations involve OBP employees, or 53 percent. OFO employees represented the next largest group of employees with 80 cases, or 37 percent.
- The vast majority of DRB cases, or 88 percent, involved employees who occupy law enforcement/weapons carrying positions.
- Ten employees opted to resign or retire after receiving a notice of proposed action from the DRB.

Length of Service

During FY 2014, just about one-half of the 212 employees whose cases were presented to the DRB had more than 13 years of Federal civilian service, and 80 percent of the employees had five years of service or more.

- 43 individuals had five years of service or less
- 81 individuals had between five and 15 years of service
- 37 individuals had between 15 and 20 years of service
- 51 individuals had more than 20 years of service

Chart 10 illustrates the percentage of DRB cases by employee length of service.



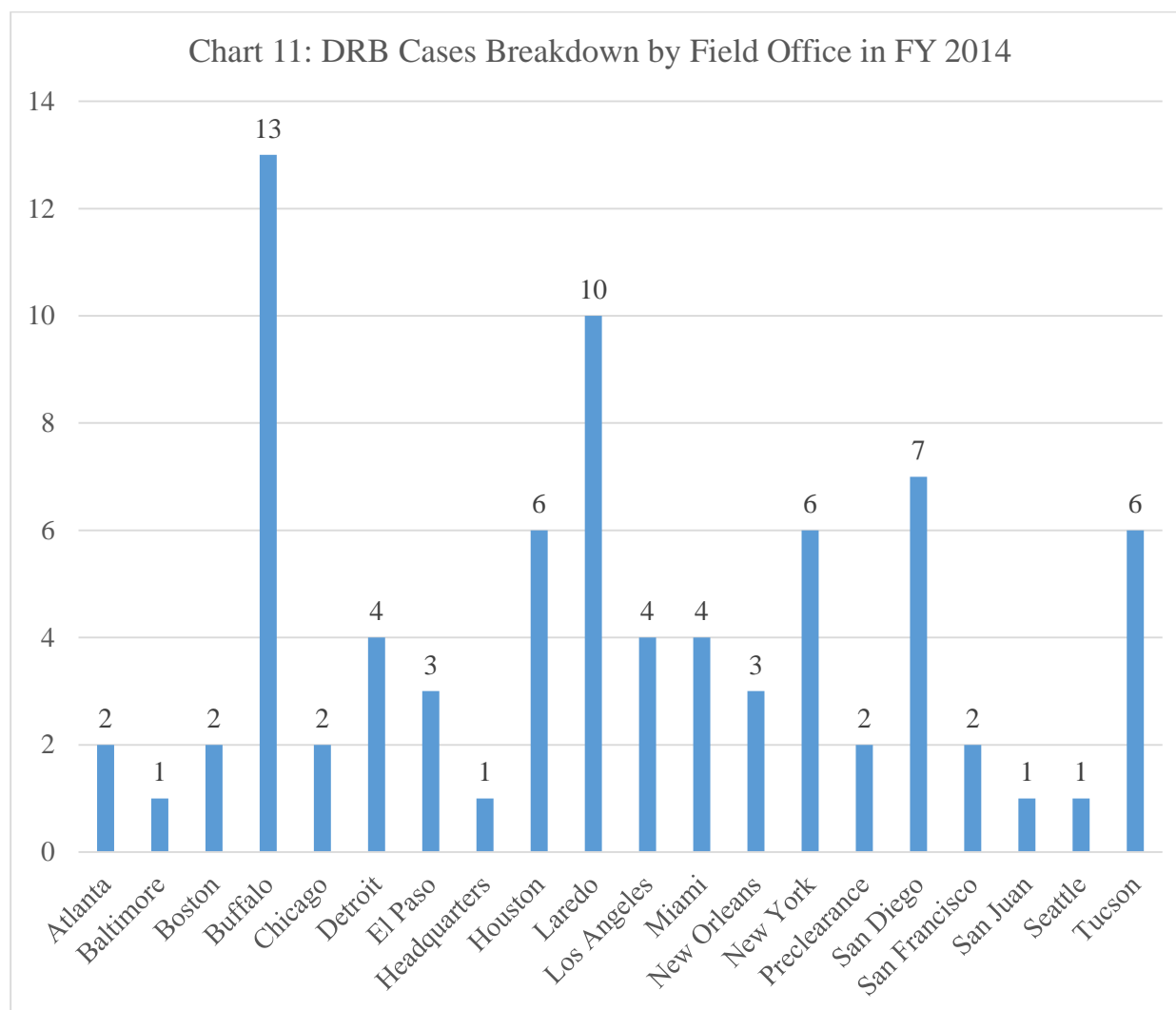
The majority of individuals committing misconduct appear to be well-established in their careers. It could be that individuals become complacent in their jobs or they succumb to outside pressures. Keeping employees engaged and promoting pride in their work are strategies to help curb this trend.

DRB Cases by Field Office, Sector, or Program Office

Office of Field Operations

From a geographic and organizational perspective, the largest number of OFO cases presented to the DRB involved employee subjects aligned with the Buffalo and Laredo Field Offices.

Chart 11 illustrates the breakdown of DRB cases by OFO Field Office.

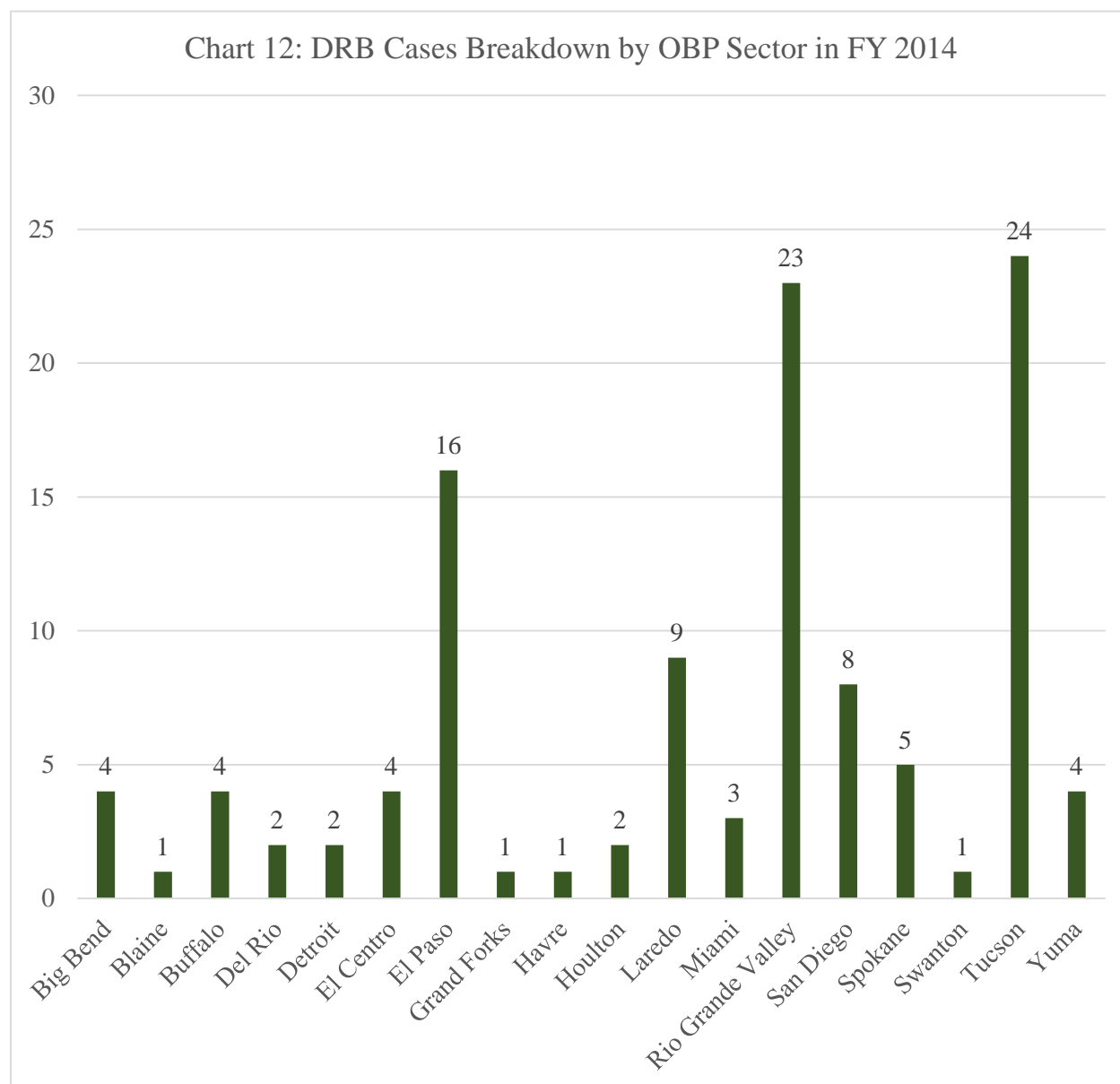


While the Laredo Field Office is the second largest in OFO with 2,654 employees, the Buffalo Field Office is significantly smaller with 1,360 employees. The relatively large number of cases involving Buffalo Field Office employees is because seven of their 13 cases stemmed from the same fact pattern and involved employees at one specific Port of Entry. The Field Offices with the smallest number of DRB cases are the Baltimore, Seattle, and San Juan Field Offices, each of which had only one case.

Office of Border Patrol

The majority of the OBP cases presented to the DRB involved employee subjects aligned with the Tucson and Rio Grande Valley (RGV) Sectors. These numbers are not surprising, as Tucson and RGV are the two largest sectors within OBP, with 4,354 and 3,248 employees, respectively.

Chart 12 illustrates the breakdown of DRB cases by Border Patrol Sector.

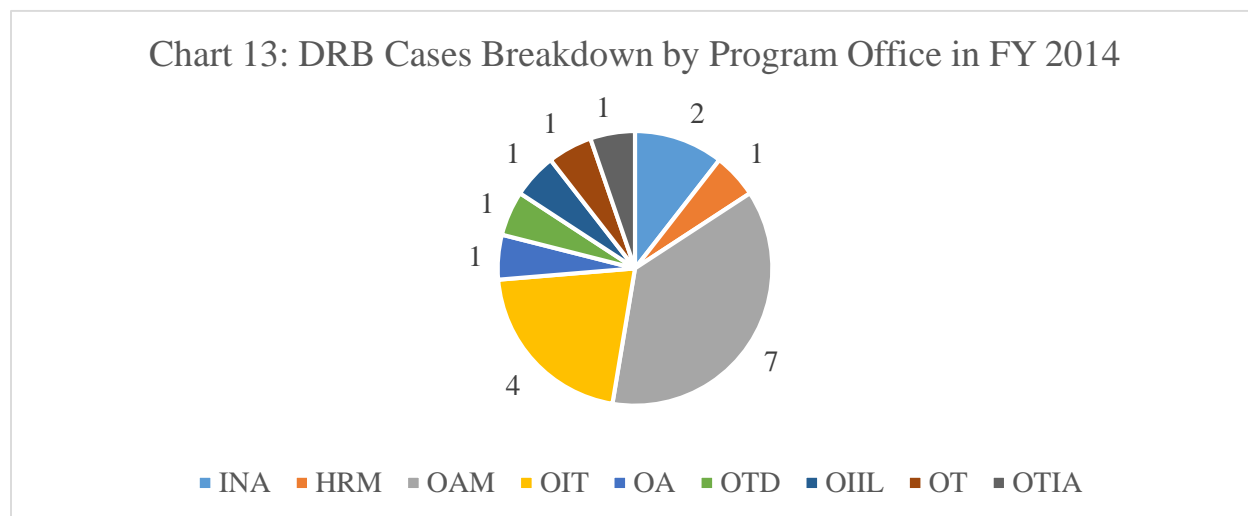


The Sectors with the least number of cases presented to the DRB in FY 2014 were Blaine Sector, Grand Forks Sector, Havre Sector, and Swanton Sector. There were no DRB cases involving Ramey Sector employees in FY 2014.

DRB Cases by Other Component Offices

While the majority of DRB cases involve employees from OFO and OBP, there were 19 other cases involving employees from other components in CBP.

Chart 13 illustrates the breakdown of DRB cases involving employees from other CBP program offices.



Non-Adverse Proposals from DRB

Generally, the DRB Intake staff is tasked with reviewing all completed investigations that were referred to LER and send only those that appear to warrant adverse action to the DRB. In FY 2014, 36 of the 242 cases presented to the DRB did not receive a proposed adverse action.

An in-depth review of these 36 cases was conducted and the following trends were noted:

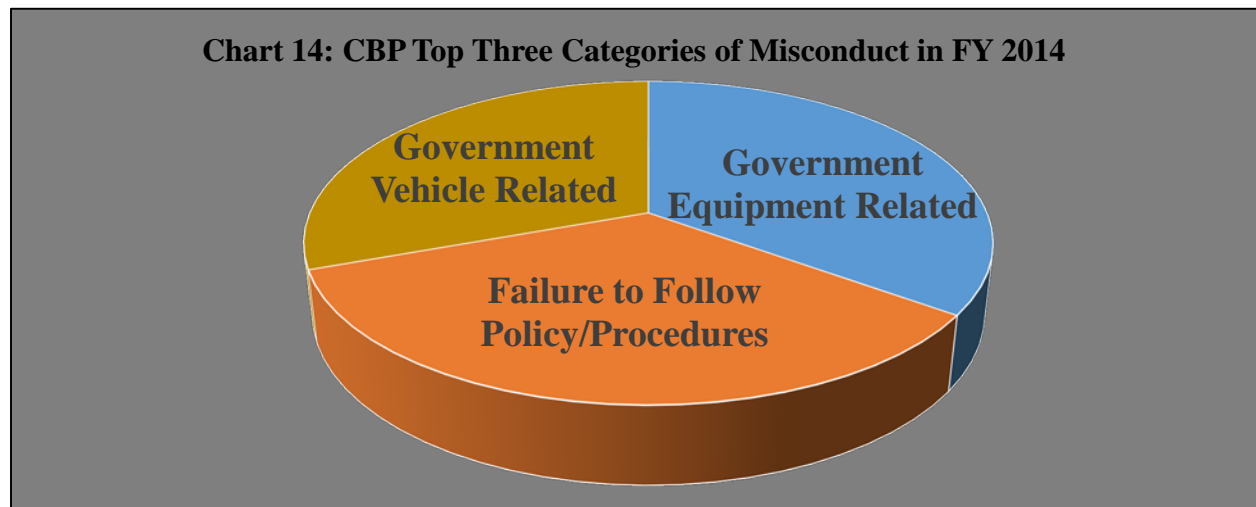
- Ten of the cases presented were related to more significant misconduct cases, meaning at least one of the related cases warranted an adverse action. It has been the ER Division's practice to send all of the related cases to the DRB, even if some may not warrant an adverse action.
- The DRB serves as a neutral body to review cases involving fatalities and/or certain on-duty shootings. These cases are always referred to the DRB for review, even when the case file does not include evidence of wrongdoing. In FY 2014, 11 cases involving a shooting or a fatality were presented to the DRB. None of the employees involved in the incidents were found to have engaged in misconduct.
- Three cases were presented to the DRB at local management's insistence following remand by DRB Intake. If local management disagrees with a remand (meaning management believes the misconduct to be severe enough to warrant adverse action), they may request reconsideration and presentation to the DRB.

At the conclusion of the review, there were 12 cases in which the DRB proposed a non-adverse action, contrary to the expectations of the ER Division. In essence, the DRB staff has been successful at assessing and presenting cases involving serious employee misconduct.

Top Three Categories of Misconduct Allegations

Each year, CBP reviews data related to allegations of employee misconduct in an effort to identify trends. In FY 2014, based upon the categories of misconduct entered in HRBE, the top three types of misconduct allegations CBP-wide fall within three categories of misconduct: failure to follow policies or procedures; misconduct related to GOVs; and misconduct related to government equipment. This section examines the discipline data associated with each of the top three categories in further detail.

Chart 14 illustrates the top three categories of misconduct CBP-wide.



1. Misconduct Related to Violations of Policies or Procedures

Generally, the types of misconduct captured under this category include failure to follow policies related to leave, seizures, computer records, reporting, and/or use of personal cell phones during inspections. In FY 2014, CBP processed 883 cases involving allegations of misconduct related to alleged violations of CBP policies or procedures. Table 9 below provides a breakdown of the program offices with employees alleged to have engaged in misconduct related to failure to follow policy or procedures.

Program Office	Total Number of Cases
Border Patrol	429
Field Operations	395
Air and Marine	23
Administration	9
Information and Technology	9
Internal Affairs	2
Human Resources Management	3
Commissioner	6
Intelligence and Investigative Liaison	4
International Trade	2
Public Affairs	1

Table 10 below illustrates the breakdown of discipline by program office for misconduct related to failure to follow policies or procedures.

Table 10: Discipline by Program Office for Failure to Follow Policies or Procedures				
Alleged Misconduct Related to Violations of Policies or Procedures	OBP	OFO	OTHER	TOTALS
Discipline not warranted	226	158*	28	412
Written Reprimand	78	73	14	165
Counseling (Oral or Written)	65	130	13	208
Suspension	51	25	2	78
Removal	3	1	0	4
Alternative Remediation	3	3	1	7
Resignation	2	2	0	4
Memorandum of Instruction	1	0	0	1
Demotion	0	1	0	1
Retirement	0	1	0	1
Probationary Termination	0	1	0	1
Leave Restriction	0	0	1	1
Totals:	429	395	59	883

* Forty cases reported for the OFO involve the reporting of seizure discrepancies, to include changes in weight such as a reported overage. With no evidence of tampering and no identifiable subjects, cases such as these are closed without disciplinary action.

2. Misconduct Related to Government-Owned Vehicles (GOV)

In FY 2014, LER processed 713 cases involving allegations of misconduct related to GOVs. An analysis of the data revealed the following statistics:

- Ninety-three percent of GOV-related misconduct cases involved employees assigned to the OBP.
- Ninety percent were related to accidents involving GOVs or All-Terrain Vehicles (ATV), rather than misconduct involving misuse of a GOV.
- Thirty cases involved at least one charge related to misuse of a GOV.
- Eighteen cases involved the more serious charge of “willful” misuse of a GOV, which carries a statutory minimum suspension of 30 days; eight of which were sustained. Five cases are still pending. A willful violation of the statute prohibiting unofficial use of a GOV occurs if the employee voluntarily uses a GOV with knowledge of use is for other than official purposes.

Table 11 below provides a breakdown of the GOV-related misconduct totals by program office.

Table 11: Cases Involving GOV-related Misconduct by Program Office	
Program Office	Total Number of Cases
Border Patrol	660
Field Operations	35
Air and Marine	7
Administration	3
Information and Technology	3
Internal Affairs	3
Human Resources Management	1
Intelligence and Investigative Liaison	1

Table 12 provides a breakdown of the disciplinary outcomes for cases involving CBP employees who engaged in misconduct related to GOVs.

Table 12: Disciplinary Outcomes for GOV-related Misconduct by Program Office				
Misconduct Related to Government-owned Vehicles	OBP	OFO	OTHER	TOTALS
Discipline not warranted	129	12	7	148
Written Reprimand	294	5	1	300
Counseling (Oral or Written)	148	9	3	160
Suspension	81	7	5	93
Removal*	2	2	0	4
Alternative Remediation	3	0	0	3
Resignation	2	0	0	2
Memorandum of Instruction	1	0	1	2
Demotion	0	0	1	1
Totals:	660	35	18	713

**The four cases which warranted the penalty of removal, involved multiple charges of misconduct, in addition to a Misuse of GOV charge. Two of the four removals were settled on appeal.*

3. Misconduct Related to Government Equipment

In FY 2014, LER processed 667 cases involving allegations of misconduct related to government equipment. An analysis of the data revealed the following statistics:

- Misuse of government equipment cases accounted for only 168 of the cases processed in FY 2014.
- Lost or stolen government equipment accounted for 499 cases reported under this category.
 - Reported lost or stolen credentials, badges, or Personal Identity Verification (PIV) cards accounted for 221 cases in FY 2014.
 - Reported lost or stolen government equipment accounts for 278 cases.

Table 13 illustrates the breakdown of the types of misconduct allegations related to government equipment.

Table 13: Misconduct Related to Government Equipment	
Type of Misconduct	Totals
Alleged Misuse of Government Equipment	168
Lost or Stolen Government Equipment	278
Lost or Stolen Credentials/Badges/PIV Cards*	221
Totals:	667

**See note regarding totals under the section for lost or stolen credentials/badges/PIV cards at the end of this section.*

Misuse of Government Equipment

In FY 2014, LER processed 168 cases categorized as “misuse” of government equipment. A review of the data revealed that typical cases involving misuse of government equipment involve computer related misconduct such as misuse of TECS, misuse of e-mail, and misuse of CBP computers to view inappropriate content. Other cases reported under this category included reports of government cell phone misuse and reported damage to government equipment.

Table 14 provides a breakdown of CBP disciplinary outcomes utilized to close cases related to the misuse of government equipment in FY 2014.

Table 14: Disciplinary Outcomes Related to Misuse of Government Equipment				
Misuse of Government Equipment	OBP	OFO	OTHER	TOTALS
Written Reprimands	16	11	1	28
Oral or Written Counseling	14	20	5	39
Discipline not Warranted	20	45	14	79
Suspension	11	2	1	14
Alternative Discipline	0	2	0	2
Resignation	0	1	0	1
Demotion	0	2	0	2
Removal	1	1	1	3
Totals:	62	84	22	168

Lost or Stolen Government Equipment

In FY 2014, LER processed 278 cases related to lost or stolen government equipment. This number is of concern considering the initial cost to purchase this equipment and the costs to replace valuable government equipment, such as body armor, firearms, and night vision goggles. The loss of other types of equipment such as passport admission stamps, CBP uniforms, or building access cards, could have other dire consequences for national security.

Table 15 provides a breakdown of CBP disciplinary outcomes utilized to close cases related to lost or stolen government equipment in FY 2014.

Table 15: Disciplinary Outcomes Related to Lost or Stolen Government Equipment				
Lost or Stolen Government Equipment	OBP	OFO	OTHER	TOTALS
Written Reprimands	62	24	1	87
Oral or Written Counseling	53	26	1	80
Discipline not Warranted	50	38	3	91
Suspension	15	1	2	18
Alternative Discipline	0	2	0	2
Totals:	180	91	7	278

Lost or Stolen Credentials, Badges, or PIV Cards

Lost or stolen CBP credentials, badges, or PIV cards accounted for 221 of the overall cases involving reports of misconduct related to government equipment.

Table 16 provides a breakdown of CBP disciplinary outcomes utilized to close cases related to lost or stolen credentials, badges, or PIV cards.

Table 16: Disciplinary Outcomes Related to Lost or Stolen Credentials/ Badges/PIV				
Lost or Stolen Credentials/Badges/PIV Cards	OBP	OFO	OTHER	TOTALS
Written Reprimands	45	22	2	69
Oral or Written Counseling	35	33	10	78
Discipline not Warranted	10	36	16	62
Suspension	11	0	0	11
Settlement Agreement	0	1	0	1
Totals:	101	92	28	221*

**It should be noted that FY 2014 data obtained from CBP IA indicated a total of 340 distinct reports of lost or stolen badges/credentials were reported involving 250 employees. The discrepancy in the number of cases reported in this chart can be attributed to the fact that a number of the cases included in CBP IA's data were most likely still open and pending disciplinary action at the end of FY 2014. All disciplinary outcomes on cases included in this report had to have been completed by September 30, 2014. Reports of lost or stolen credentials, badges, or PIV cards are typically included in the same file received from CBP IA.*

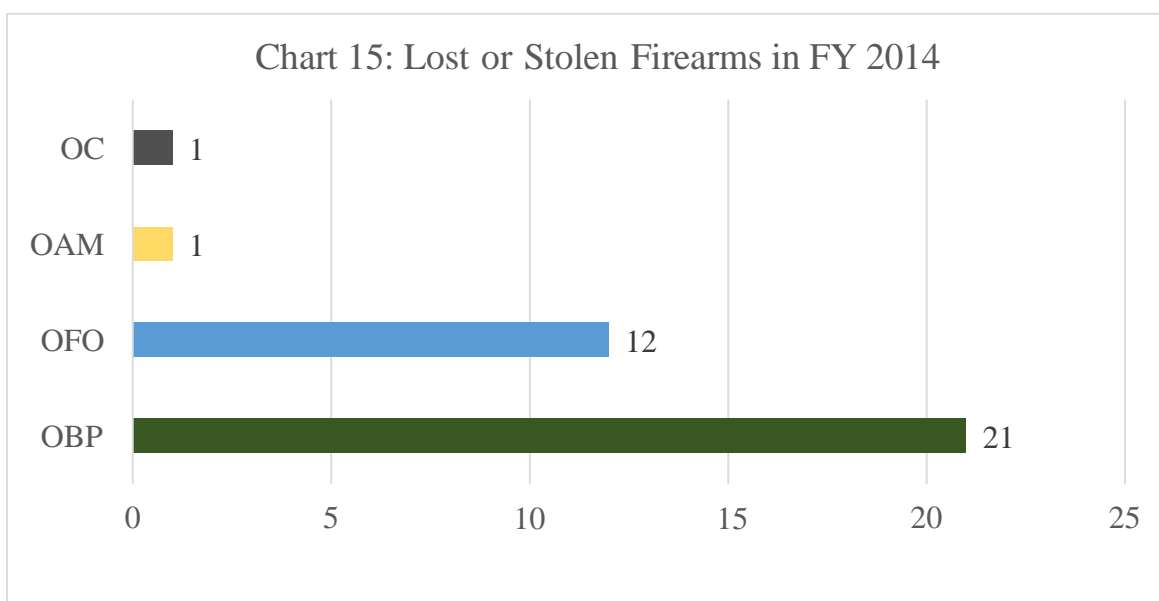
Lost or Stolen Firearms

CBP requires authorized agents/officers to carry a CBP-issued firearm during duty hours while performing uniformed law-enforcement duties, and holds authorized personnel responsible for the safekeeping of the firearm. Agents/officers are expected to exercise good judgment in providing sufficient security for CBP-issued firearms as well as adequate protection against theft. Failure to safeguard government property may be cause for disciplinary action if the firearm is lost or stolen. Disciplinary action also may be imposed if the agent/officer demonstrates negligence or poor judgment in safeguarding a CBP-issued firearm.

A review of data obtained from FACTS revealed the following for FY 2014:

- Eleven CBP-issued firearms were reported as lost and 24 reported stolen.
- Thirteen of the 24 firearms were stolen from the employee's personally owned vehicle, and 12 were stolen from the employee's residence.
- Ten firearms were recovered; four of which had been reported as lost and six of which had been reported as stolen.

Chart 15 illustrates the breakdown of the program offices with employees that reported lost or stolen firearms in FY 2014.



A review of the discipline data revealed the following statistics as of September 30, 2014:

- Nine cases resulted in disciplinary suspensions ranging from one to five days.
- Four cases resulted in the issuance of written reprimand and two cases were closed with an oral counseling.
- Six cases were still pending disciplinary action.
- Management decided that seven cases did not warrant disciplinary action.
- One employee resigned.
- Six of the cases were still pending investigation.

Although the number of disciplinary actions taken for this offense was minimal, the offense is nonetheless serious. It is crucial that the authorized agent/officer take every step necessary to safeguard their CBP-issued firearm as they cannot perform the full scope of their duties or protect the Nation's border without it.

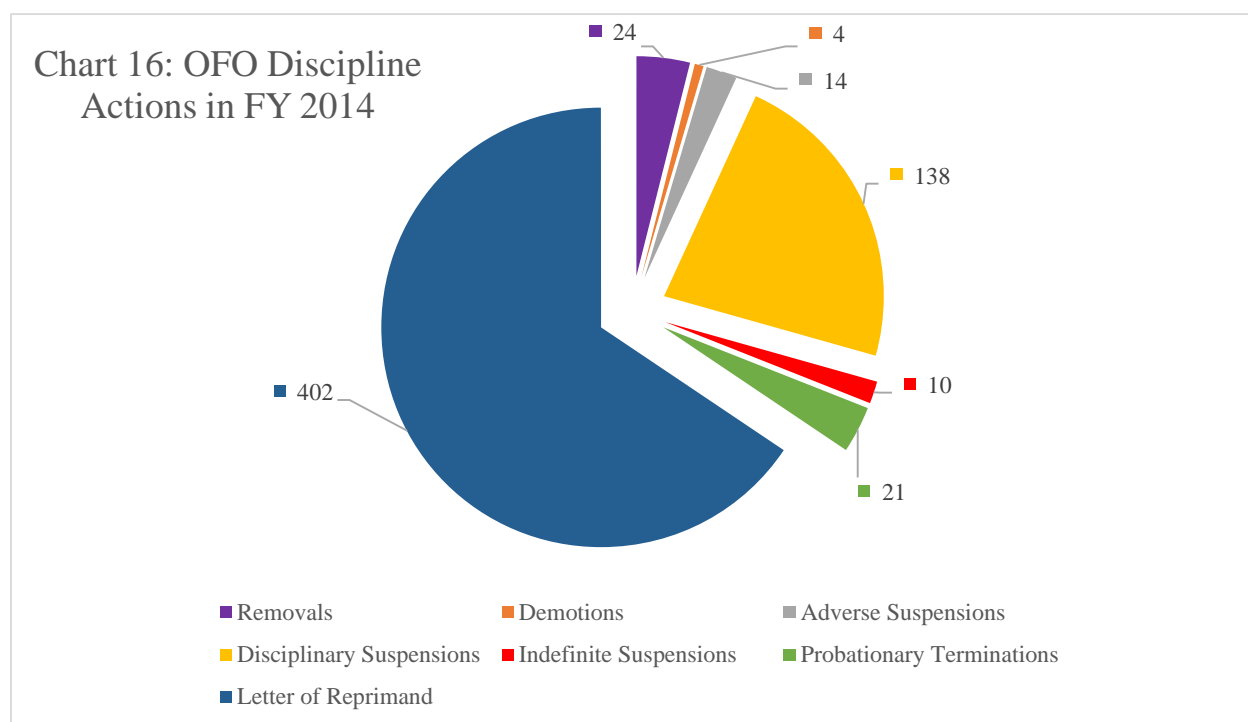
Office of Field Operations

OFO plays a key role in CBP's complex mission at CBP ports of entry, with broad law enforcement authorities tied to screening all foreign visitors, American citizens returning to the U.S., and imported cargo that enters the U.S. at more than 300 land, air, and sea ports. OFO employees comprise 47 percent of the CBP workforce and include uniformed positions such as CBP Officers and Agriculture Specialists, as well as a variety of other positions such as Import Specialists, Entry Specialists, and Supply Chain Security Specialists. OFO is the largest office within CBP, and in FY 2014, had an average of 28,280 total employees.

A review OFO's discipline data for FY 2014 revealed the following:

- LER processed 1,237 cases involving OFO employees, meaning 4.43 percent of the OFO workforce received some type of discipline in FY 2014.
 - Formal disciplinary actions increased slightly from 546 cases in FY 2013 to 596 cases in FY 2014.
 - Informal disciplinary action (oral or written counseling) was taken in 641 cases.
- Supervisory demotions have remained stable over the last three fiscal years with four demotions processed each year.
- The top three types of misconduct for OFO employees in FY 2014 were: misconduct related to failure to follow policy or procedures; unprofessional conduct; and misconduct related to government equipment.

Chart 16 illustrates a breakdown of all formal disciplinary actions taken against OFO employees in FY 2014.



Discipline Trends by OFO Field Office

A review of the discipline data for OFO in FY 2014 revealed the following statistics:

- With over 15 percent of their employees disciplined, the Tucson Field Office accounted for the largest percentage of discipline per field office in FY 2014.
- The field offices with the next highest percentage of employees disciplined are the El Paso Field Office and the Miami Field Office with over 6 percent each.
- The Atlanta Field Office had the least amount of employee discipline with 2.45 percent.

Chart 17 illustrates the percentage of employees disciplined by field office.

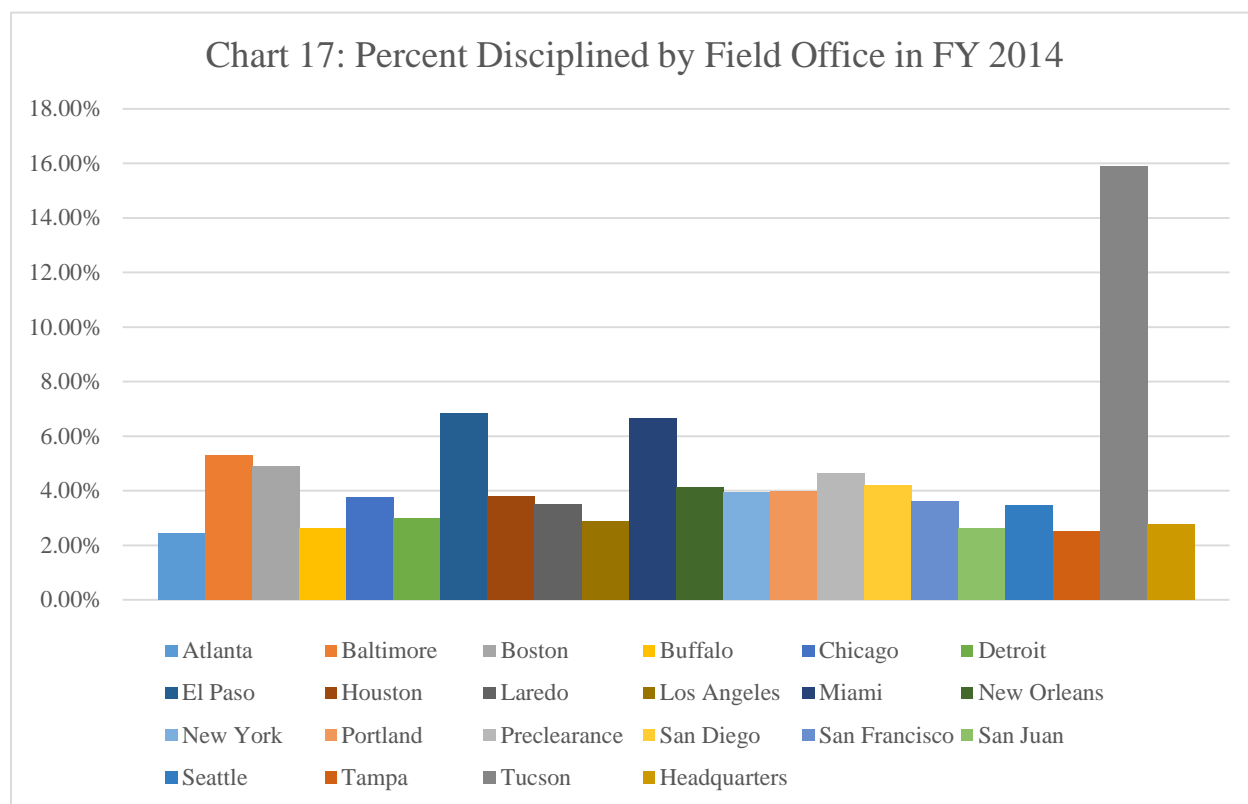


Table 17, on the following page, contains a comprehensive breakdown of all OFO discipline by Field Office.

Table 17: OFO Disciplinary Breakdown by Field Office in FY 2014

Field Office	Average # of Employees	Removals	Demotions	Adverse Suspensions	Disciplinary Suspensions	Indefinite Suspensions	Probationary Terminations	Letter of Reprimand	Oral/Written Counseling	Total	% Disciplined by Field Office
Atlanta	1,104	0	0	1	4	0	1	12	9	27	2.45%
Baltimore	756	1	0	0	9	0	0	11	19	40	5.29%
Boston	1,001	0	0	0	8	1	0	6	34	49	4.90%
Buffalo	1,360	3	0	1	3	0	1	2	26	36	2.65%
Chicago	1,062	2	0	0	7	2	1	14	14	40	3.77%
Detroit	1,298	0	0	0	9	0	0	10	20	39	3.00%
El Paso	1,447	0	0	1	3	0	1	70	24	99	6.84%
Houston	1,106	1	0	2	6	0	0	23	10	42	3.80%
Laredo	2,654	1	2	1	4	3	1	39	42	93	3.50%
Los Angeles	1,879	2	0	1	9	2	0	16	24	54	2.87%
Miami	2,131	0	0	0	10	0	7	48	77	142	6.66%
New Orleans	411	0	0	1	2	0	2	4	8	17	4.14%
New York	2,705	2	0	4	14	0	2	30	55	107	3.96%
Portland	251	1	0	0	1	0	0	4	4	10	3.98%
Preclearance	560	0	0	0	4	1	0	9	12	26	4.64%
San Diego	2,246	2	1	0	13	0	4	33	41	94	4.19%
San Francisco	1,218	4	0	0	13	0	0	12	15	44	3.61%
San Juan	613	0	0	0	1	0	0	4	11	16	2.61%
Seattle	1,672	1	0	1	4	0	0	22	30	58	3.47%
Tampa	518	0	0	0	3	0	0	5	5	13	2.51%
Tucson	1,102	3	1	1	8	0	1	23	138	175	15.88%
Headquarters	1,186	1	0	0	3	1	0	5	23	33	2.78%
Totals:	28,280	24	4	14	138	10	21	402	641	1,254	4.43%

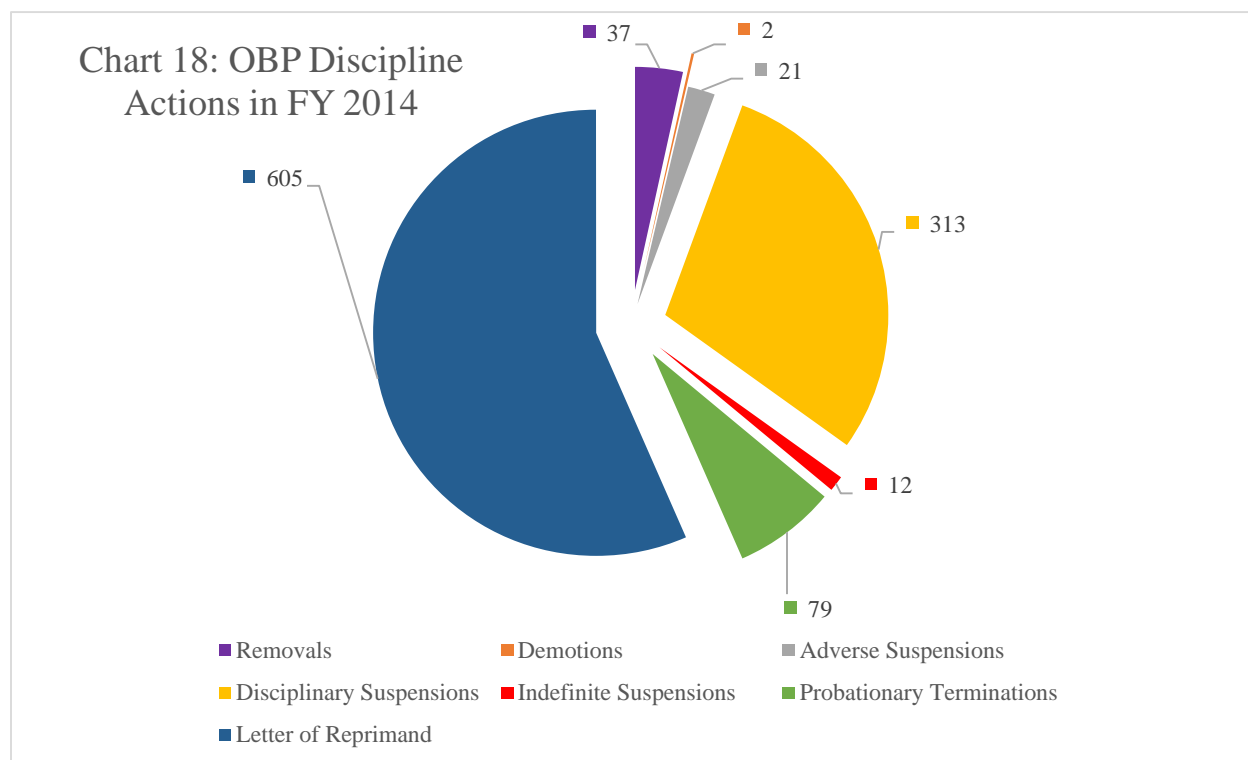
Office of Border Patrol

OBP employees are key players in CBP's mission to protect the Nation's borders between the ports of entry. Every day, the men and women of the OBP work to detect and prevent the illegal entry of aliens and contraband into the U.S. OBP is responsible for patrolling the 6,000 miles of Mexican and Canadian international land borders and 2,000 miles of coastal waters. OBP employees make up the second largest office within CBP, with an average of 22,659 total employees in FY 2014.

A review of OBP's discipline data for FY 2014 revealed the following:

- LER processed a total of 1,548 cases involving OBP employees, and less than one-third of those cases were closed with an oral or written counseling.
- Formal discipline increased slightly with 1,068 cases processed in FY 2014, when compared to 1,003 cases in FY 2013.
- Supervisory demotions decreased from four in FY 2013 to two in FY 2014.
- The top three types of misconduct for OBP employees in FY 2014 were: misconduct related to GOVs; misconduct related to government equipment; and misconduct related to failure to follow policy or procedures.

Chart 18 illustrates a breakdown of all formal disciplinary actions taken against OBP employees in FY 2014.

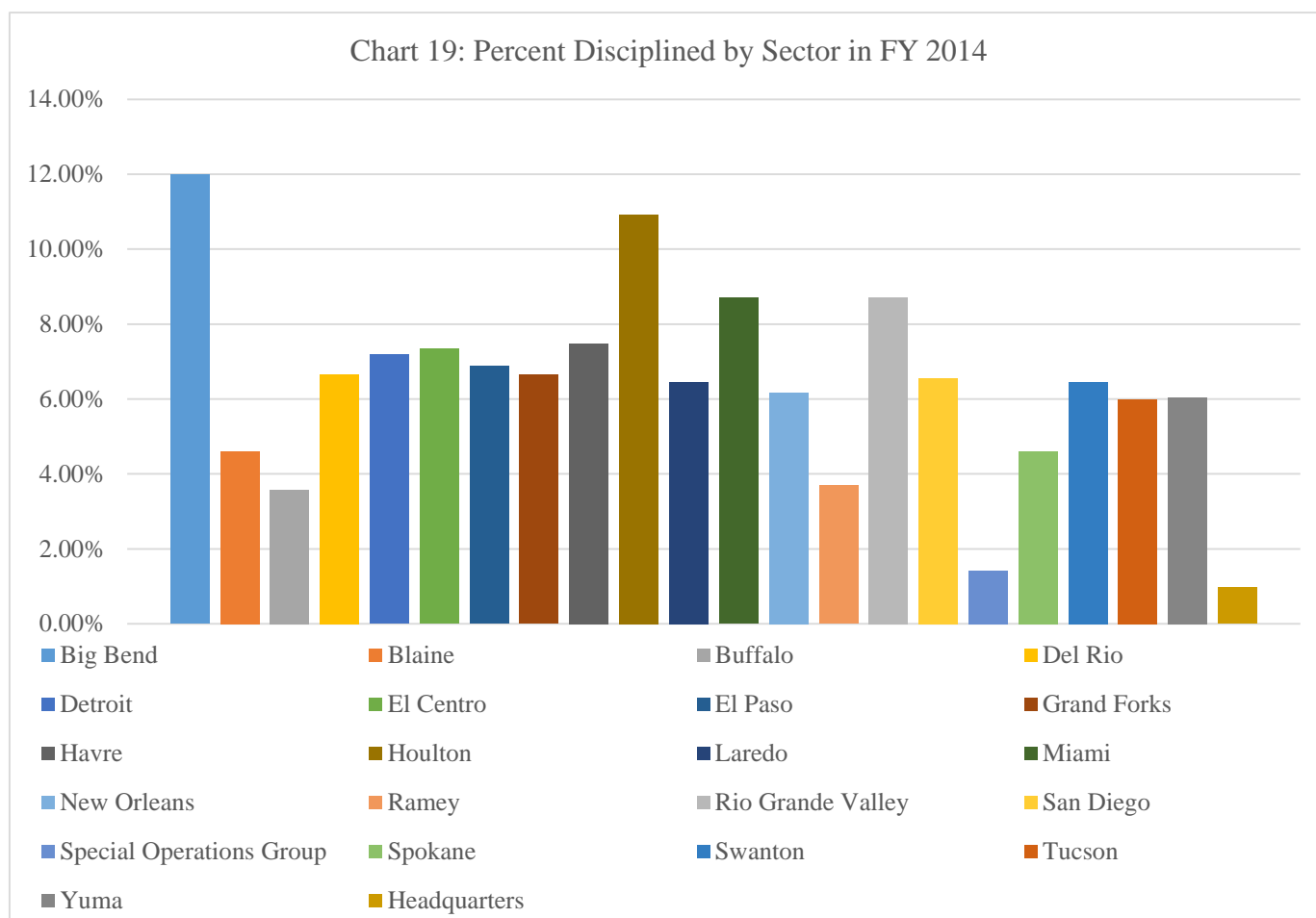


Discipline Trends by OBP Sector

A review of the discipline data for FY 2014 revealed the following statistics:

- Employees assigned to Big Bend Sector had the greatest percentage of disciplinary action during FY 2014 with 11.98 percent.
- Buffalo had the least percentage of employees disciplined for an OBP Sector with 3.58 percent in FY 2014.
- Less than 1 percent of OBP HQ employees were disciplined.

Chart 19 illustrates the percentage of employees disciplined by sector.



On the following page, Table 18 provides a comprehensive breakdown of all OBP discipline by Sector.

Table 18: OBP Disciplinary Breakdown by Sector in FY 2014

Sector:	Average # of Employees	Removals	Demotions	Adverse Suspensions	Disciplinary Suspensions	Indefinite Suspensions	Probationary Terminations	Letter of Reprimand	Oral/Written Counseling	Total	% Disciplined by Sector
Big Bend	643	1	0	2	23	1	3	39	8	77	11.98%
Blaine	348	0	1	0	7	0	0	3	5	16	4.60%
Buffalo	335	0	0	0	2	0	0	5	5	12	3.58%
Del Rio	1,681	7	0	0	28	1	13	46	17	112	6.66%
Detroit	459	0	0	0	5	0	0	9	19	33	7.19%
El Centro	1,186	4	0	3	17	2	1	41	19	87	7.34%
El Paso	2,776	3	0	3	43	4	0	101	37	191	6.88%
Grand Forks	226	0	0	0	4	0	0	8	3	15	6.64%
Havre	214	0	0	2	3	0	0	7	4	16	7.48%
Houlton	229	0	0	1	6	0	0	11	7	25	10.92%
Laredo	1,923	2	0	2	19	0	13	30	58	124	6.45%
Miami	115	0	0	0	5	0	0	5	0	10	8.70%
New Orleans	81	0	0	0	1	0	0	2	2	5	6.17%
Ramey	77	0	0	1	1	0	0	0	1	3	3.70%
Rio Grande Valley	3,248	6	0	4	50	0	34	112	77	283	8.71%
San Diego	2,730	5	0	2	27	1	0	65	80	179	6.59%
Special Operations Group	142	0	0	0	1	0	0	0	1	2	1.41%
Spokane	282	0	0	0	1	0	0	4	8	13	4.61%
Swanton	341	0	0	0	2	0	0	5	15	22	6.45%
Tucson	4,354	7	1	1	57	1	14	85	95	261	5.99%
Yuma	959	2	0	0	10	2	0	26	18	58	6.05%
Headquarters	310	0	0	0	1	0	0	1	1	3	0.97%
Totals:	22,659	37	2	21	313	12	78	605	480	1,547	6.83%

Conclusion

The FY 2014 Discipline Analysis Report was prepared in an effort to meet the goals and objectives of the CBP Integrity and Personal Accountability Strategy. To strengthen CBP's culture of integrity, the strategy aims to increase efficiency and consistency throughout the discipline process and improve transparency through the issuance of an annual report on CBP's discipline process.

At the beginning of FY 2014, CBP had 59,915 employees and ended the fiscal year with 59,663. Five percent of the CBP workforce received some type of informal or formal disciplinary action in FY 2014, a slight increase from FY 2013. As in prior fiscal years, employees from OBP and OFO continued to account for the largest percentage of discipline, followed by OAM. The Office of Congressional Affairs completed the fiscal year with no disciplinary actions being processed against its employees.

Although CBP experienced a decrease in the number of employees arrested for off-duty misconduct, CBP employees, particularly law enforcement officers, continue to be arrested at an unacceptable rate. Overall, the El Paso and Tucson Sectors were identified as the Sectors with the greatest number of employee arrests for OBP, and the Laredo and San Diego Field Offices were the top two offices for OFO. As in prior fiscal years, arrests for alcohol-related driving offenses and domestic violence-related conduct remain the top two reasons for employee arrests.

To address this trend, HRM, IA, and OBP have been looking at ways to reduce the number of employee arrests, particularly in these two critical areas. HRM was appointed as the lead program office and has developed an off-duty arrest strategy in an effort to minimize the number of employee arrests through a campaign of awareness, prevention, and discipline. It is anticipated that this strategy will be presented to CBP leadership in FY 2015. HRM is also working very closely with OCC and OBP to explore creative ways to expedite the processing of disciplinary actions related to first time alcohol-related driving offenses.

Among the interesting statistics reported in the FY 2014 Discipline Analysis Report were the top three categories of misconduct for CBP, which included misconduct related to violations of policies or procedures, misconduct related to government vehicles, and misconduct related to government equipment. For the latter two categories, the overwhelming majority of cases involved reports of damage or loss to these government resources rather than actual misuse. CBP managers may use this data to support efforts to remind employees of the duty to safeguard and protect government property.

CBP's efforts to enforce the Drug Free Workplace Program continue to prove effective. Of the nine positive drug tests in FY 2014, six employees are no longer on CBP's roles and three cases were still pending at the end of the fiscal year.

Discipline was not limited to non-supervisory employees in FY 2014. CBP supervisors are expected to lead by example and model good behavior to include adherence to CBP policies and procedures. Despite being held to a higher standard of conduct, CBP supervisors continued to engage in misconduct as evidenced by the increase in supervisory discipline in FY 2014.

While more than one-half of the closed cases where misconduct was alleged were found not to warrant informal or formal discipline, formal disciplinary actions increased from 1,619 in FY 2013 to 1,770 in FY 2014. DRB activity increased by 25 percent in FY 2014 and 226 DRB records were closed, which included DRB cases received in FY 2013. While it is not unusual for cases to traverse fiscal years, LER acknowledges the need to improve timeliness in the discipline process. LER is continually looking for ways to improve case processing timelines and implement other efficiencies in the discipline process. For FY 2015, these changes include increasing the number of DRB panels convened each month, elimination of the DRB dry run process, reducing the amount of time between oral reply and the Douglas factors meetings, implementing a daily remand process, and exploring ways to augment staff during periods of increased DRB activity.

HRM is committed to finding creative ways to improve the efficiency and effectiveness of the CBP discipline process and increase timeliness of actions. To be successful in these endeavors, HRM and all stakeholders in the discipline process will continue working collaboratively to refine and expedite the processing of discipline cases as CBP moves forward in FY 2015.